



## Saint Paul Planning Commission

City Hall Conference Center Room 40  
15 Kellogg Boulevard West

### Agenda

Christopher B. Coleman,  
Mayor

March 4, 2011  
8:30 – 11:00 a.m.

Saint Paul  
Planning Commission

#### Chair

Jon Commers

#### First Vice Chair

Barbara A. Wencil

#### Second Vice Chair

Paula Merrigan

#### Secretary

Anthony Fernandez

#### I. Approval of minutes of February 18, 2011

#### II. Chair's Announcements

#### III. Planning Director's Announcements

#### IV. Zoning Committee

**SITE PLAN REVIEW** – List of current applications. (*Tom Beach, 651/266-9086*)

#### NEW BUSINESS

#11-011-647 Macalester College Campus Boundary – Conditional Use Permit for expansion of Macalester College campus boundary to include 100 Cambridge and vacated alley to the east. 1600 Grand Avenue, NE corner at Macalester.  
(*Josh Williams, 651/266-6659*)

#### OLD BUSINESS

#11-008-637 Andrew Blessing - Conditional Use Permit for a bed & breakfast with four guest rooms. 325 Dayton Ave, NW corner at Farrington.  
(*Sarah Zorn, 651/266-6570*)

#11-003-883 SPARC - Conditional Use Permit for coffee shop drive-through with modifications of drive-through lane distance from residential property and required screening. 843 Rice Street, NW corner at Water Street.  
(*Anton Jerve 651/266-6567*)

#10-921-993 Greater Frogtown CDC - Re-establishment of nonconforming use as a 4-unit building. 941 Thomas Ave, between Milton and Chatsworth.  
(*Luis Pereira, 651/266-6591*)

#### V. Neighborhood Planning Committee

Proposed Designation of the Jacob Schmidt Brewery Company Historic District as a Saint Paul Heritage Preservation site – Approve resolution recommending approval to Mayor and City Council. (*Amy Spang, 651/ 266-6714*)

Planning Director  
Donna Drummond

Pat Connolly  
Gene Gelgelu  
Bree Halverson  
Richard Kramer  
Gaius Nelson  
Christopher Ochs  
Trevor Oliver  
Julie Perrus  
Marilyn Porter  
Elizabeth Reveal  
Anthony Schertler  
Robert Spaulding  
Terri Thao  
Jun-Li Wang  
Daniel Ward II  
David Wickiser  
Roxanne Young

Tobacco Shop Zoning Study – Approve resolution recommending zoning text amendments to Mayor and City Council. (*Patricia James, 651/266-6639*)

Sign Regulation Amendments – Approve resolution recommending zoning text amendments to Mayor and City Council.  
(*Kate Reilly, 651/266-6618, and Allan Torstenson, 651/266-6579*).

**VI. Comprehensive Planning Committee**

Central Corridor/Traditional Neighborhood Zoning Study – Approve resolution recommending zoning text amendments and zoning map revisions to Mayor and City Council. (*Donna Drummond, 651/266-6556, and Sarah Zorn, 651/266-6570*)

**VII. Transportation Committee**

**VIII. Communications Committee**

**IX. Task Force Reports**

**X. Old Business**

**XI. New Business**

**XII. Adjournment**

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &  
Heritage Preservation Commission**  
MASTER MEETING CALENDAR

**WEEK OF FEBRUARY 28-MARCH 4- 2011**

**Mon (28)**

**Tues (1)**

**4:00 Comprehensive Planning Committee**  
**5:30 p.m. (Penelope Simison, 651/266-6554)**

**HAS BEEN CANCELLED**

**Weds (2)**

**8:00 a.m. Cesar Chavez Small Area Plan Task Force**  
**(Kate Reilly, 651/266-6618)**

**Neighborhood Development  
Alliance (NeDA)**  
481 Wabasha Street  
Saint Paul, MN 55107

Review proformas for site concepts  
Update about focus group outreach  
Update about March 8<sup>th</sup> community meeting

**Thurs (3)**

**Fri (4)**

**8:30- Planning Commission Meeting**  
**11:00 a.m. (Donna Drummond, 651/266-6556)**

**Room 40 City Hall**  
Conference Center  
15 Kellogg Blvd.

**Zoning..... SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)**

**NEW BUSINESS**

#11-011-647 Macalester College Campus Boundary – Conditional Use Permit for expansion of Macalester College campus boundary to include 100 Cambridge and vacated alley to the east. 1600 Grand Avenue, NE corner at Macalester.  
(Josh Williams, 651/266-6659)

**OLD BUSINESS**

#11-008-637 Andrew Blessing - Conditional Use Permit for a bed & breakfast with four guest rooms. 325 Dayton Ave, NW corner at Farrington.  
(Sarah Zorn, 651/266-6570)

#11-003-883 SPARC - Conditional Use Permit for drive-through coffee shop with modifications in 1) drive-through lane distance from residential property, 2) vehicular ingress and egress requirements of district, and 3) height of screen buffer for district. 843 Rice Street, NW corner at Water Street. (*Anton Jerve 651-266-6567*)

#10-921-993 Greater Frogtown CDC - Re-establishment of nonconforming use as a 4-unit building. 941 Thomas Ave, between Milton and Chatsworth. (*Luis Pereira, 651-266-6591*)

***Neighborhood Planning***

***Committee.....*** Proposed Designation of the Jacob Schmidt Brewery Company Historic District as a Saint Paul Heritage Preservation site – Approve resolution recommending approval to Mayor and City Council. (*Amy Spong, 651/ 266-6714*)

Tobacco Shop Zoning Study - Approve resolution recommending zoning text amendments to Mayor and City Council. (*Patricia James, 651/266-6639*)

Sign Regulation Amendments - Approve resolution recommending zoning text amendments to Mayor and City Council. (*Kate Reilly, 651/266-6618, and Allan Torstenson, 651/266-6579*).

***Comprehensive Planning***

***Committee.....*** Central Corridor/Traditional Neighborhood Zoning Study – Approve resolution recommending zoning text amendments and zoning map revisions to Mayor and City Council. (*Donna Drummond, 651/266-6556, and Sarah Zorn, 651/266-6570*)



**The Planning Commission  
minutes from the Public  
Hearing on Friday,  
February 18, 2011 are not  
ready for your review.  
Once they are done you will  
receive an email with the  
minutes attached. You will  
also get a hard copy.**

**Thank you,  
Sonja Butler**



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

**SITE PLAN REVIEW COMMITTEE**  
**TUESDAY March 8, 2011**  
**2nd Floor Conference Room**  
**375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:30	Pedro's Luggage building demolition Lot will be temporary construction staging for the Penfield Project 501 Robert St
10:15	Max It Pawn Renovate dealership building, three new buildings, landscaping 1891 Suburban Ave

To Applicants:

**You should plan to attend this meeting.**

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff.

The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

**Parking**

Parking is available at on-street meters. Some off-street parking spaces are available in our visitor parking lot off of 6<sup>th</sup> Street at Jackson.

To see a map of additional nearby parking ramps go to  
<http://www.ci.stpaul.mn.us/depts/dsi/liep/info/location.html>

If you have any questions, please call Mary Montgomery at 651-266-9088.



**CITY OF SAINT PAUL**  
Christopher B. Coleman, Mayor

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6700  
Facsimile: 651-228-3220

DATE: February 25, 2011  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of February 24, 2011 Zoning Committee Hearing

**NEW BUSINESS**

- |    |   | <u>Staff</u>             | <u>Recommendation</u><br><u>Committee</u> |
|----|---|--------------------------|---|
| 1. | <b>Macalester College Campus Boundary ( 11-011-647 )</b><br>Conditional Use Permit for expansion of Macalester College campus boundary to include 100 Cambridge and vacated alley to east | Approval with conditions | Approval with conditions<br>( 6 - 0 )     |
|    | <b>Address:</b> 1600 Grand Ave<br>NE corner at Macalester   |                          |   |
|    | <b>District Comment:</b> District 14 recommended approval   |                          |   |
|    | <b>Support:</b> 0 people spoke, 1 letter  |                          |   |
|    | <b>Opposition:</b> 0 people spoke, 2 letters  |                          |   |
|    | <b>Hearing:</b> Hearing is closed   |                          |   |
|    | <b>Motion:</b> Approval with conditions   |                          |   |
|    |   | <u>Staff</u>             | <u>Recommendation</u><br><u>Committee</u> |
| 2. | <b>Andrew Blessing ( 11-008-637 )</b><br>Conditional Use Permit for a bed & breakfast with four guest rooms   | Approval                 | Approval<br>( 6 - 0 )                     |
|    | <b>Address:</b> 325 Dayton Ave<br>NW corner at Farrington   |                          |   |
|    | <b>District Comment:</b> District 8 made no recommendation  |                          |   |
|    | <b>Support:</b> 0 people spoke, 1 letter  |                          |   |
|    | <b>Opposition:</b> 0 people spoke, 0 letters  |                          |   |
|    | <b>Hearing:</b> Hearing is closed   |                          |   |
|    | <b>Motion:</b> Approval   |                          |   |

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>

3. **SPARC ( 11-003-883 )**  
Conditional Use Permit for coffee shop drive-through with modifications of drive-through lane distance from residential property and required screening

Approval with conditions

Approval with conditions  
( 7 - 0 )

**Address:** 843 Rice St  
NW corner at Atwater Street

**District Comment:** District 6 recommended denial

**Support:** 0 people spoke, 1 letter

**Opposition:** 2 people spoke, 1 letter

**Hearing:** Hearing is closed

**Motion:** Approval with conditions

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>

4. **Greater Frogtown CDC ( 10-921-993 )**  
Re-establishment of nonconforming use as a 4-unit building

Approval

Denial  
( 3 - 1 - 2 )  
(Wenci)  
(Nelson,  
Spaulding)

**Address:** 941 Thomas Ave  
between Milton and Chatsworth

**District Comment:** District 7 recommended denial

**Support:** 4 people spoke, 0 letters

**Opposition:** 5 people spoke, 9 letters

**Hearing:** Hearing is closed

**Motion:** Denial

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Macalester College, File # 11-011-647, has applied for a Conditional Use Permit for expansion of Macalester College campus boundary to include 100 Cambridge and vacated alley to the east under the provisions of §65.220 and §61.501 of the Saint Paul Legislative Code, on property located at 1600 Grand Ave, Parcel Identification Number (PIN) 042823440085, legally described as Macalester Park All Of Vac Macalester St Lying Bet Nl Of St Clair Ave & S Of Ext Sl Of E-w Alley In Blk 7 Macalester Park All Of Vac Alley In Blk 8 Macalester Park & All Of Vac Alley In Blk 7 Sd Add Lying S Of Ext Sl Of Lot 8 Sd Blk 7 & The Fol Subj To St; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 24, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property at 100 Cambridge was acquired by Macalester College in 2005. The alley in question, which runs east-west between 100 Cambridge Street and Macalester Street, was vacated in October of 2010. Macalester College subsequently purchased the portion of the vacated alley which accrued to the neighboring property, owned by Macalester Plymouth United Church.
2. The easterly portion of the property at 100 Cambridge is in use by the groundskeeping staff of Macalester College, for the purpose of which a small utility building has been erected on the lot. The single-family structure previously located on the property was razed in June of 2010. Pursuant to an agreement reached with adjacent property owners and other property owners on Cambridge Street, Macalester is proposing landscaping improvements (including increased screening) on the western edge of the lot and the permanent closure of the current parking lot access/egress point on Cambridge Street.
3. §65.220 defines the required content of a "anticipated growth and development statement" to be submitted as part of any application for a college, university, or seminary boundary expansion, and defines the criteria on which an evaluation of the application shall be based. Required elements of the statement are:
  - (1) *Proposed new boundary or boundary expansion:* The applicant's statement describes a proposed expansion of the campus boundary to include the lot at 100 Cambridge Street and the adjacent vacated alley between the existing campus and neighboring Macalester Plymouth United Church. The total area of the proposed addition to the campus is approximately 17,000 square feet.
  - (2) *Enrollment growth plans... over the next ten (10) years and also the anticipated maximum enrollment over the next twenty (20) years:* The statement indicates no anticipated change in

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

enrollment at the college. The applicant's representative, Tom Welna, in a personal communication, that enrollment at the college can fluctuate, and that current enrollment was at or near the college's capacity.

(3) *Plans for new parking facilities over the next ten (10) years; including potential locations and approximate time of development:* The statement indicates no plans for additional on-campus parking.

(4) *Plans for the provision of additional student housing, either on-campus or off-campus in college-controlled housing:* The statement indicates no plans for new on-campus housing.

(5) *Plans for the use of land and buildings, new construction and changes affecting major open space:* The statement indicates that other than some current and planned renovations of the fine arts complex on campus, there are no planned new construction projects or changes affecting open space or building use on campus.

(6) *An analysis of the effect this expansion will have on the economic, social and physical well-being of the surrounding neighborhood, and how the expansion will benefit the broader community.* As described more fully in Finding 4 below, the proposed boundary expansion will have a net positive benefit for the community by improve vehicular circulation internal to the campus, redirecting vehicular traffic from a residential street to collector and arterial streets, adding a small amount of landscaped open space.

*Approval of a new or expanded campus boundary shall be based on an evaluation using the general standards for conditional uses found in §61.500, and the following criteria:*

(i) *Anticipated undergraduate student enrollment growth is supported by plans for student housing that can be expected to prevent excessive increase in student housing demands in residential neighborhoods adjacent to the campus.* This criteria is met. The applicant has indicated that total undergraduate enrollment, made up almost entirely of full-time students, is not anticipated to change significantly in the foreseeable future. Accordingly, no additional student housing is either planned or needed. Currently, about 75% of Macalester students live on campus.

(ii) *Potential parking sites identified in the plan are generally acceptable in terms of possible access points and anticipated traffic flows on adjacent streets.* The applicant has stated that no additional on-campus parking is planned. However, the applicant has agreed to close an existing ingress/egress point between Cambridge Street and a parking lot located just south of the proposed area of boundary expansion. Traffic will be redirected north to Macalester Street via the vacated alley proposed for inclusion within the campus boundary or south via an existing alley to St. Clair Avenue.

(iii) *Plans for building construction and maintenance of major open space areas indicate a sensitivity to adjacent development by maintaining or providing adequate and appropriately located open space.* The proposed boundary expansion is not directly associated with nor a necessary to facilitate any planned building projects. Pursuant to an agreement with neighbors, the applicant has stated an intention to add landscaping and screening vegetation to westerly end of the lot at 100 Cambridge.

(iv) *The proposed new or expanded boundary and the "anticipated growth and development statement" are not in conflict with the city's comprehensive plan.* No aspect of the proposed boundary expansion or element of the "anticipated growth and development statement" is in conflict with the Saint Paul Comprehensive Plan.

4. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. Policy LU1.57 of the Saint Paul Comprehensive Plan is to (E)ncourage communication between educational institutions and residents of the community when those institutions seek to expand or make significant changes to their campuses. The applicant has stated that a series of meetings were held in late 2010 through which process the general support of the campus' immediate neighbors for the proposed expansion was gained. A letter of support for the proposed expansion from the MacalesterGroveland Community Council, citing the series of meetings as described by the applicant, was included with this application.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed expansion will eliminate a point of ingress and egress to Cambridge Street. However, the expansion will also provide for expansion of a drive lane internal to the campus to facilitate improved ingress and egress via an existing access point to Macalester Street.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The primary impact of the proposed boundary expansion will be to redirect some traffic from Cambridge Street to either St. Clair Avenue (via an existing alley) or to Macalester Street. Redirecting traffic to Macalester Street will provide more direct access to Grand Avenue. The net effect will be to move traffic from a residential street to arterial (Grand) and collector (St. Clair) streets with greater design capacity for vehicular traffic. This will benefit the public health, safety, and general welfare.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed boundary expansion help to improve the physical relationship between the campus and the surrounding properties, thereby having a positive affect, if any, on the orderly development and improvement thereof.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed expansion conforms in all other respects to applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Macalester College for a Conditional Use Permit for expansion of the Macalester College campus boundary to include 100 Cambridge and vacated alley to the east, at 1600 Grand Avenue, is hereby approved, subject to the condition that the parking lot access to/from Cambridge Street located south of the area of boundary expansion and west of the Janet Wallace Fine Arts Center be limited to occasional and irregular use and only on such occasions where alternative access points are not usable due to impassability of streets or large vehicle size and/or maneuverability limitations.

ZF# 11-011-647  
Macalester College

1557 Goodrich Avenue  
Saint Paul, Minnesota 55105  
(651) 699-5464  
February 23, 2011

City of Saint Paul  
Planning and Economic Development  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634

File #: 11-011-647

Dear Sir or Madam,

I will be unable to attend the hearing on this matter in person. I have some potential concerns regarding this permit that I request the zoning committee to address.

Over the years, Macalester College has acquired and removed a number of homes in this area for purposes of campus expansion. During the same period they have constructed a number of large facilities which have changed the nature of the surrounding residential neighborhood.

For example, the rebuilt Campus Center building presents loading docks to the surrounding neighborhood instead of the windows of the old building. The Leonard Athletic Center is quite a bit taller than the building it replaced, creating shadows and walling off the neighborhood. We were told that that College has a great deal of discretion in the design and placement of buildings within their campus boundaries.

Therefore, I have some potential concern when the College acquires a home contiguous with its borders, demolishes it, and asks to have that area added to its campus.

Is this part of a larger plan to acquire and remove additional homes along Cambridge Street and/or Lincoln Avenue?

Will adding this parcel to the campus boundary allow the College to use this land in a manner other than they currently can?

Is this a 'back door' approach to expand the campus which might not be approved otherwise?

Should reasonable restrictions be placed on this land to protect the residential nature of the neighborhood?

Thank you.

Sincerely,

Philip Jacobs



2F # 11-011-647  
Macalester College

2.15.2011

Dear Planners:

Re: File # 11-011-647, the conditional  
use permit for expansion of Macalester  
College as indicated on your mailing  
(The Macalester College Campus Boundary)  
I oppose this proposition.

Mac keeps expanding into the surround-  
ing neighborhood, pretty much getting  
their way with whatever they want. They  
have lots of money & dedicated people for  
these projects, whatever the cost & con-  
sequence to the neighborhood.  
They always get the vote their  
way. Those of us in the dwindling  
tax base don't have  
their clout... but  
we are the ones  
bearing the cost  
of these territorial  
expansions.  
I oppose this proposition.

City of St. Paul  
Planning & Econ. Dev't  
1400 City Hall Annex  
St. Paul, MN 55102-1403  
RECYCLED PAPER

Kathleen Deming  
Homeowner at this  
address since  
1970.



Ms. Kathleen Deming  
1562 Goodrich Ave  
Saint Paul, MN 55105



city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Mr Andrew Blessing, File # 11-008-637, has applied for a Conditional Use Permit for a bed & breakfast with four guest rooms under the provisions of §61.501 of the Saint Paul Legislative Code, on property located at 325 Dayton Ave, Parcel Identification Number (PIN) 012823120026, legally described as Dayton And Irvines Addition S 50 Ft Of Lot 1 Ex W 29 Ft Of N 66 Ft Lot 2 And All Of Lot 7 And Lot 8 Blk 81; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 24, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property was most recently used as a school for approximately five years. The school appears to have closed in 2008 and the property has been on the vacant building list since March of 2009 as a Category 2. It is located in the Historic Hill District.
2. The applicant proposes to rehabilitate the structure in order to establish a bed and breakfast residence with four guest rooms in the main structure. In addition, the applicant plans to establish a group daycare facility in the existing dormitory wing of the building. The applicant plans to convert the structure facing Marshall Avenue into a two or three car garage. This structure was originally a residence with car storage added on in 1907. At present, it appears that the structure is a residential unit and that the garage doors have been covered. While the applicant intends to remove the residential unit, he has stated that he may wish to re-establish the use in the future.
3. §65.641 defines 'bed and breakfast residence' and lists the standards and conditions for a bed and breakfast located in a residential district.
  - (a) *In residential districts, a conditional use permit is required for bed and breakfast residences with two (2) or more guest rooms, and for any bed and breakfast located in a two-family dwelling. The applicant has made the required conditional use permit application.*
  - (b) *The bed and breakfast residence may be established in a one-family detached dwelling or a two-family dwelling, located within a single main building. The property was originally constructed as a one-family dwelling, therefore this condition is met.*
  - (c) *The guest rooms shall be contained within the principal structure. This condition is met. All guest rooms will be located within the main building of the principal structure.*
  - (d) *There shall be no more than one (1) person employed by the bed and breakfast residence who is not a resident of the dwelling. This condition is met. The applicant has stated that there will be no more than one employee who does not reside on the premises.*

moved by \_\_\_\_\_

seconded by \_\_\_\_\_

in favor \_\_\_\_\_

against \_\_\_\_\_

- (e) *Dining and other facilities shall not be open to the public, but shall be used exclusively by the residents and registered guests.* This condition is met as the applicant has agreed to abide by this condition.
  - (f) *No additional exterior entrances shall be added to the structure solely for the purpose of serving guest rooms.* This condition is met. The applicant has stated that there is no need for additional exterior entrances to the structure to serve residents or guests.
  - (g) *The zoning lot shall meet the minimum lot size for the one-family dwelling or two-family dwelling in the district in which it is located, and shall have a minimum size according to the table noted in §65.641.* This condition is met. The table referenced indicates that a one-family dwelling with four guest rooms must have a minimum lot area of 8,000 square feet. The lot area is over 26,000 square feet, which is more than sufficient.
  - (h) *One-family dwellings may contain no more than four (4) guest rooms. Two-family dwelling may contain no more than three (3) guest rooms.* This condition is met. The property was built as a one-family dwelling and the applicant has proposed four (4) guest rooms.
  - (i) *No bed and breakfast residence containing two (2) through four (4) guest rooms shall be located closer than one thousand (1,000) feet to an existing bed and breakfast residence containing two (2) through four (4) guest rooms, measured in a straight line from the zoning lot of an existing bed and breakfast residence.* This condition is met. The certificate of occupancy for the Rose Arbor Inn, formerly located at 341 Dayton, was revoked and the building has been vacant since 2008. There are no other bed and breakfast residences within 1,000 feet.
4. §61.501 lists five standards that all conditional uses must satisfy:
- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Housing Chapter of the Saint Paul Comprehensive Plan lists the need to preserve and promote established neighborhoods (Strategy 2). Additionally, the Historic Preservation Chapter generally supports the preservation of historical structures and character within historic districts. The District 8 Plan Summary vision statement emphasizes the desire for the neighborhood to be a destination for those who want to experience its unique social, cultural, physical and economic offerings.
  - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The main point of ingress and egress is on North Farrington Street and the proposed use will not generate a significant amount of traffic nor contribute to congestion in the public streets.
  - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed bed and breakfast use is compatible with the surrounding multifamily uses and is overall less intense than the former use as a school.
  - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed bed and breakfast use is a permitted use in the RM2 zone and is compatible with surrounding uses.
  - (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use will conform to the applicable regulations in the RM2 zoning district as well as the Historic Hill District. The parking requirement for the bed and breakfast residence is three spaces (1 space for each dwelling unit and 0.5 for each guest room). The applicant has stated that there are ten spaces in the existing parking lot and there will be an additional two to three spaces in the garage facing Marshall Avenue.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Mr Andrew Blessing for a Conditional Use Permit for a bed & breakfast with four guest rooms at 325 Dayton Ave is hereby approved.

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Sparc, File # 11-003-883, has applied for a Conditional Use Permit for a coffee shop drive-through, with modifications of required drive-through lane distance from residential property and required screening, under the provisions of §65.513, §61.501, §61.502 of the Saint Paul Legislative Code, on property located at 843 Rice St, Parcel Identification Number (PIN) 252923410266, legally described as Mckentys Out Lots Tost Paul Ex St Lots 1 & All Of Lot 2 & Lot 3 Blk 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 24, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is requesting a conditional use permit for a drive-through window for a proposed coffee shop on the first floor in an existing two-story building. The second floor, currently used as apartments, will be used for offices. The property is located at the northwest corner of the Rice Street/Atwater Street intersection. The existing attached garage will be repurposed to accommodate the drive-through window. The parking to support the building uses will be located on the property and on an off-site lot located at the northeast corner of the Albemarle Street/Atwater Street intersection. The off-site lot will have three spaces and will be accessed off an existing curb cut on Albemarle.
2. Sec. 65.513 lists the five standards and conditions that drive-through sales and services must satisfy:
  - (1) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is not met. The applicant is requesting a modification of this condition. The proposed drive-through is to be located in the rear of the building along Atwater Street. The drive-through window is proposed to be approximately 27 feet from a residentially used property, the four-unit building immediately to the west on Atwater. The drive-through will exit only onto Atwater and will be located in the existing garage structure and will not have a speaker. It is expected that the majority of automobiles exiting along will turn left on Atwater when leaving the property. The owner of this property has submitted a letter of support for the proposed use. For these reasons, it will be unlikely to have a negative impact on the abutting residential property.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

- (2) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* This condition is met. The points vehicular ingress and egress are approximately 70 feet from Rice Street and approximately 60 feet from Atwater Street.
- (3) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This condition is met. There will be no speaker box.
- (4) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is not met. The applicant is requesting a modification of this condition. There is an existing six-foot obscuring fence along the western property line and a proposed planted buffer of at least six feet along the majority of the western property line that abuts the residential property. The planted buffer narrows to two feet wide adjacent to the enclosed drive-through.

Along the northern property line the applicant is proposing a three foot fence and no planted buffer. Currently this area is used for parking and there is no landscaped buffer or fence along the property line. The neighboring property owner and District 6 Planning Council request that no fence be erected along the property line.

*Additional condition in the TN2 traditional neighborhood district:*

- (5) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* This condition is met. The drive-through is proposed to have one drive through lane and service window.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The use is consistent with the Rice Street Small Area Plan and the North End South Como District Plan. One of the goals of the Rice Street Small Area Plan is to "Increase neighborhood vitality." The plan indicates that Rice Street should be "a safe, successful commercial area" and the blocks between Atwater and Maryland should be prioritized for improvement. Commercial revitalization is also a goal of the North End-South Como Plan. The proposed use will reinvest in an existing building on an existing commercial street. The use will provide an active storefront and will increase activity, which can contribute to neighborhood vitality.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met. The applicant is currently preparing a traffic memo as part of the site plan process to address any potential traffic issues.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use will reuse an existing building maintaining the character of the immediate neighborhood. The use will attract people and unofficial surveillance, or "eyes on the street," which contributes to crime prevention. The project will invest in two existing parcels enhancing the appearance of the neighborhood. Furthermore, the use will generate increased property and sales taxes.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is allowed in TN2 zoning districts and would not impede other allowed TN2 uses. The use has the support of the neighboring residential property owner and would not impede that use.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in*

*which it is located.* This condition is met. The use conforms to all other regulations in the TN2 district. The parking required is 8 spaces, which is provided on the site in the parking lot and on the lot approximately 60 ft west.

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. Strict application of the drive-through lane location and buffer conditions would require demolition of a portion of an existing structure and would further restrict automobile circulation. The drive-through use will be buffered from the residential property at least as well as the required 60 foot distance and landscaping buffer because it be enclosed in an existing structure and will not have a speaker. The proposed modifications do not impair the intent and purpose of such special condition and are consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Sparc for a Conditional Use Permit for a coffee shop drive-through, with modifications of drive-through lane distance from residential property and required screening, at 843 Rice Street, is hereby approved, subject to the following conditions:

1. A site plan is approved.
2. The three parking spaces in the Albermarle lot will be reserved and signed for employees, office tenants, and/or potential residents.
3. The survey is substantially consistent with the preliminary site plan.
4. Drive-through hours will be between 6:00 AM and 5:00 PM daily.
5. No fence or screening buffer is required along the northern property line.



District 6 Planning Council

171 Front Avenue  
Saint Paul, MN 55117  
651-488-4485 fax: 651-488-0343  
[district6ed@dist6pc.org](mailto:district6ed@dist6pc.org)

February 21, 2011

Zoning Committee of the Planning Commission:

On January 25, 2011 the District 6 Planning Council's Land Use Task Force met with Sparc, the applicant for a Conditional Use Permit with modifications-Coffee Shop with drive-through to be located at 843 Rice Street.

At that time the Land Use Task Force recommended approval of the Conditional Use Permit with the following additions to the site plan and permit *being met*:

- Traffic in to the coffee shop on Rice Street and exiting on to Atwater
- Arrows affixed to the pavement Rice Street delineating a one way
- Eliminate parking on Atwater from the corner to the curb cut for safety reasons
- No fence is erected on any property adjacent to the property

After reviewing correspondence and the Staff Report, District 6 Planning Council is *withdrawing* support if the above conditions cannot be met.

District 6 would like the following conditions to be met, however District 6 is willing to discuss these conditions with the applicant in the hopes a compromise can be met:

- Parking for employees will be on Albermarle Street with appropriate signage
- Buffering the parking lot on Albermarle Street with appropriate fencing and plantings and ensure proper lighting

The corner is congested during morning and afternoon rush hour and Rice Street has high traffic counts throughout the day. Traffic is burdensome and already bottlenecked with the traffic signal, the bus stop directly in front of 843 Rice Street; add a drive-through in that location and vehicle and pedestrian traffic flow will be further impeded. The possibly of traffic exiting Rice Street, north or south bound has the potential to cause extreme safety issues.

Therefore, Rice Street should be used to enter into the drive-through, not exit it as well. The current bus stop should be relocated to the north to further alleviate traffic, both vehicular and pedestrian.

By eliminating the one legal parking space on Atwater between the curb cut and Rice Street you are greatly increasing public safety by having clear site lines for both vehicles and pedestrians.

District 6 is concerned that the site plan for this project is not finalized nor is the traffic memo completed. District 6 is aware that the Staff Report's recommendation is based upon a finalized site plan, but District 6 is not comfortable supporting an application for a Conditional Use Permit without a finalized site plan that includes a traffic memo and until a finalized plan is submitted, District 6 withdraws support for this project.

District 6 Planning Council will be happy to support a coffee shop at this location without a drive-through, however at this time District 6 is unable to offer full support because of the reasons and concerns mentioned.

Please contact the office at the numbers above if you have any questions or would like further information or clarification.

Regards,

*Jeff Martens*

Jeffery Martens  
Land Use Task Force Chairman  
District 6 Board Vice Chairman

Cc: Ward 5  
Sparc

An Affirmative Action Equal opportunity Employer



[illegible]

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Greater Frogtown CDC, File # 10-921-993, has applied for a re-establishment of nonconforming use as a 4-unit building under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 941-943 Thomas Ave, Parcel Identification Number (PIN) 352923210074, legally described as Joseph R Weides 5<sup>th</sup> addition E 1/2 Of Lot 11 & All Of Lots 12 & Lot 13 Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 27 and February 24, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. According to Ramsey County records, the multifamily property at 941-943 Thomas has been sold four times in the last 10 years, all four times as a "non-qualified sale," and two of the three last times with a description of "Forced Sale, Auction, Foreclosure." On July 29, 2010, the applicant purchased the property for \$44,000. According to the applicant, the property has been vacant for four years, and a previous investor-owner gutted the interior, renovated the exterior, and subsequently foreclosed on the property.
2. The applicant initially submitted floor plans that showed four, two-story units, with two 2,000 square foot units located on the basement and first floor, and two 1,850 square foot units located on the second floor and attic, together potentially housing a maximum of 24 people per Fire Code regulations. Each unit is proposed to have three bedrooms, two bathrooms, a kitchen, living room, and dining room. The building's finished area is approximated to be 8,000 square feet.
3. After considering this application at the January 27, 2011 Zoning Committee meeting, the Committee laid over the application to February 24, 2011, instructing staff to explore possible conditions to be placed on the nonconforming use permit to limit the number of occupants and/or residential units. The Zoning Committee also sought to provide more time for the applicant and the neighbors in opposition to the proposal to possibly come to a compromise.
4. The City attorney advised that in the context of considering an application to re-establish a nonconforming use, it is reasonable to consider reducing the number of residential units [as opposed to occupants] to some level that the Planning Commission determines to be more in keeping with the prevailing number of residential units in the surrounding neighborhood either as the neighborhood developed, or has evolved, or is presently zoned.
5. The maximum number of occupants for any building is determined by the occupancy standards set out under Legislative Code Chapter 34.13. The City Attorney advised against introducing a condition on the nonconforming use permit to limit the occupancy to less than that permitted under Chapter 34.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

6. Upon learning about the occupancy standards of Legislative Chapter 34.13, the applicant elected to redesign the interior layout of the building to provide bedrooms in each of the four units that are on average smaller than those in the original building plans. The applicant presented this option as a compromise to the community at a February 21, 2011 meeting, describing a revised building proposal for four, three bedroom units, but providing for a total allowable occupancy under the Fire Code of eighteen (18) people.
7. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
  - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is not met. The property is zoned RT1 two-family, and is large enough to support a conforming, duplex use. The property originally consisted of four, two-bedroom units on the first floor and second floor only – i.e. finished space did not include the attic or basement as proposed by the applicant. At the time of purchase by the applicant, the interior had already been completely gutted, providing an opportunity to return the property to a conforming use. While the applicant provided estimates about the costs of development and the property's cash flow over a 15-year period, the estimates do not include a scenario where the basement and attic are not rehabilitated.
  - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is not met. While the property was most recently used as a four-unit building, the proposed use would expand the finished square footage. Community residents have expressed a desire to have homes return to their original uses.
  - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is not met. While the building at 941-943 Thomas is quite large and the applicants propose to keep the large sideyard as open space for building residents, its continued use as a four-unit building could be detrimental to the existing character of development in the neighborhood, because up to six parking spaces could be provided on a parking pad located off of the alley, reducing space for snow storage and landscaping.
  - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. Policy 3.2. of the Housing Chapter of the Comprehensive Plan (*Housing Plan*) states that new housing opportunities for low-income households should be supported throughout the city, and subsection (b) encourages "the acquisition of privately-owned affordable housing and land for affordable housing by nonprofit organizations, land trusts, community development corporations, religious institutions, tenants, or private sector actors committed to affordable housing, thereby protecting it from upward pressure on prices and rents. This is a priority in areas expected to experience gentrification...." This property, one of 6-7 properties located throughout Frogtown, is part of a scattered site affordable rental package to be managed by Greater Frogtown CDC (a community development corporation) and Project for Pride in Living (a nonprofit housing provider), will provide affordable housing to four families. Both the City of Saint Paul and Minnesota Housing Finance Agency have tentatively proposed to provide funds to this project. The City has provided \$48,000 to assist with acquisition via the Frogtown Flexible Fund. The proposal is consistent with the target affordability thresholds, outlined in policy 3.3(a), and with policy 1.2 of the Housing Plan, which calls for transit-oriented housing. This site is located at a walkable distance from a future light rail station – slightly more than one-half mile from a platform to be located at Oxford Street.

- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This statement of fact is met. The petition was found sufficient on November 10, 2010: 23 parcels eligible; 16 parcels required; 16 parcels signed. However, the Planning Commission subsequently received nine letters from residents who no longer supported the application and regretted signing the original petition.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, based on findings 7(1), 7(2), and 7(3), that the application of Greater Frogtown CDC for a re-establishment of nonconforming use as a 4-unit building at 941-943 Thomas Ave is hereby denied.

Possible conditions of approval for Z.F. #10-921-993 (941-943 Thomas Avenue):

1. At site plan review, the applicant shall submit its revised building floor plans to illustrate the re-designed layout of the four-unit property. The re-designed layout will allow under the fire code a total building occupancy of eighteen (18) people.
2. The site plans submitted by the applicant shall show the location on the property of fencing, a storage shed or facility, and the off-street parking area located off of the alley.
3. The applicant shall follow the requirements of §63.316 for off-street parking spaces.

21-#10-921-993  
Greater Frogtown

GFCDC-PPL Neighborhood Stabilization Partnership - 15-Year Cash Flow

941-943 Thomas

4/3 bedroom units

Income	Rate Year	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15
		4,380	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149
Gross Rent	up .6%/yr	4,380	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149
Other Income																
Vacancy Loss	10.0%	(4,488)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)	(4,515)
First Year Vacancy Loss	25.0%	(11,220)														
		29,072	40,634	40,634	40,634	40,634	40,634	40,634	40,634	40,634	40,634	40,634	40,634	40,634	40,634	40,634
Operating Expenses																
Management Fee	10.0%	4,380	4,063	4,063	4,063	4,063	4,063	4,063	4,063	4,063	4,063	4,063	4,063	4,063	4,063	4,063
Operating/Admin	up 3%/yr	950	994	1,031	1,069	1,107	1,145	1,183	1,221	1,259	1,297	1,335	1,373	1,411	1,449	1,487
Maintenance	up 3%/yr	1,450	1,504	1,559	1,614	1,669	1,724	1,779	1,834	1,889	1,944	1,999	2,054	2,109	2,164	2,219
RE Tax	up 3%/yr	1,500	1,560	1,620	1,680	1,740	1,800	1,860	1,920	1,980	2,040	2,100	2,160	2,220	2,280	2,340
Insurance	up 3%/yr	2,200	2,266	2,334	2,402	2,470	2,538	2,606	2,674	2,742	2,810	2,878	2,946	3,014	3,082	3,150
Utilities	up 3%/yr	9,480	9,583	9,689	9,794	9,900	10,006	10,112	10,218	10,324	10,430	10,536	10,642	10,748	10,854	10,960
Other -	up 3%/yr	1,125	1,159	1,194	1,229	1,264	1,300	1,335	1,371	1,406	1,442	1,477	1,513	1,548	1,584	1,619
		35,572	37,048	37,720	38,391	39,062	39,733	40,404	41,075	41,746	42,417	43,088	43,759	44,430	45,101	45,772
Total Operating Expenses		35,572	37,048	37,720	38,391	39,062	39,733	40,404	41,075	41,746	42,417	43,088	43,759	44,430	45,101	45,772
		4,380	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149
Net Operating Income		4,380	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149
Reserves																
RR	up 3%/yr	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500
		2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Total Reserves		2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Net Operating Income		4,380	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149	45,149

Debt Service on City funds (\*)

24,171

Debt Service on City funds (*)	4,700	0	0	4,700	4,700	4,700	4,700	4,700	4,700	4,700	4,700	4,700	4,700	4,700	4,700	4,700
Profit (Loss)	7,386	1,900	11,465	6,033	5,258	4,459	3,637	2,790	1,937	1,019	93	(860)	(1,842)	(2,853)	(3,865)	(4,876)

85,271

Greater Frogtown  
ZF# 10-921-993

24 February 2011

Planning Commission Zoning Committee  
1400 City Hall Annex, 25 Fourth St. West  
St. Paul, MN 55102

Dear Members of the St. Paul Planning Commission:

We are writing to once more urge you to vote down the proposed rezoning of 941 Thomas Avenue. We regret that we are unable to attend the meeting and hope that our letter will still be taken into account.

This is not an easy letter for us to write, because we *genuinely* do approve of Frogtown CDC's affordable housing mission and do not question the good-heartedness of their board's intentions. It is still our view that a development of this size and magnitude (8000 ft<sup>2</sup> in a building that was previously half that) represents too large a development for a neighborhood that is facing increasing concerns about noise, density, and impact. (We disagree with finding 2 of the Staff Report—the historic use of the building was only 4000 ft<sup>2</sup>).

This Monday, six of us neighbors sat down with most of the CDC board for a discussion. Coming just three days before the zoning meeting, we had concerns about how much our input would matter, but genuinely wanted to find common ground. Our reservations were consistent with what many of us outlined in January, at the initial zoning meeting: we had been misled to sign the petition in August (finding 5 of the Report); the proposed four-plex was too large for the community; and we had felt powerless and demoralized by a process from which we, as neighbors, had been excluded.

What emerged is that Frogtown CDC was unable to address any of our main concerns. (Unable, not necessarily unwilling). The main issue is that, based on their calculations, they claim they can't cash flow a property that has anything less than 12 bedrooms (4 units of 3 BR each). What this means is that our two main compromise options—reducing unit number or size—were off the table, meaning that real compromise was never possible. The only discussion left was about tweaking a design that the neighborhood has found extremely concerning. We feel ill-equipped to evaluate the financial figures, which is frustrating because their entire argument depends on this (it concerns us that the figures show anticipated costs rising while anticipated rent stays constant over 15 years—these seem like assumptions that stack the deck in favor of a four-plex and close out other options). What seems apparent to us is that a structurally sound building purchased at \$44,000 *can* be run as a duplex, as it is zoned (we disagree with Finding 1 of the Staff Report).

Again, we do not question the Frogtown CDC's goodness or intentions. It's just that, absent restricting the number of units or bedrooms, we ultimately have no guarantees about the impact or even who will live in the property. Had Frogtown CDC come to us in August and told us their intentions, we never would have signed the petition. Whether it's 18 people or 20 people, 6 parking spaces or 8, that doesn't change the fact that this development is too big for the neighborhood. Based on our conversations, we feel confident that our neighbors, who wrote letters to oppose the rezoning, would say the same thing.

Sincerely,  
Denis Kennedy and Kathryn (Schwaderer) Kennedy  
940 Lafond Avenue

ZF# 10-921-993  
Greater Frogtown

Erika R. Chisholm  
940 Thomas Avenue  
Saint Paul, MN 55104

Zoning Committee  
Saint Paul Planning Commission  
City of Saint Paul  
Department of Planning and Economic Development  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102

February 24, 2011

Re: File# 10-921-993; Re-establishment of nonconforming use as a 4-unit building  
941-943 Thomas Avenue, Saint Paul, MN 55104

Dear Zoning Committee Members,

I am a homeowner and resident of Frogtown living directly across the street from the property referenced above. I write this letter to urge you to not approve the re-establishment of nonconforming use as a 4-unit building at 941-943 Thomas Avenue, Saint Paul, MN 55104.

It is for the following reasons that I dispute this re-establishment. In accordance with the *Zoning Committee Staff Report* from the public hearing on January 27, 2011:

H.3.(1). *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.*

I dispute this finding. The lot size of 0.24 acres is not a sufficient size on which to construct 6-8 parking spaces, build a storage shed, and have a garden, while maintaining a healthy outdoor living space for the large number of residents proposed for occupancy in the home. The structure and land in combination is most reasonable and viable if maintained as a duplex.

H.3.(2). *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.*

I dispute this finding. The original home was built as a duplex and as such, the most appropriate use for the home is as a duplex. This would provide the opportunity for multi-family use, as well as maintain a healthy and viable population size in the neighborhood considering the already high population density in the district.

Furthermore, there are major changes proposed by the applicant. When the home was most recently used as a fourplex, the basement and attic spaces were not developed. The applicant intends to develop both spaces. Additionally, it is my understanding the former fourplex contained two bedrooms per unit, not three as proposed by the applicant.



H.3.(3). *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood...*

I dispute this finding considering the large-scale development the applicant is proposing. The character of the homes on the block of Thomas Avenue where the property is located varies in occupancy from 2-4 people, with an average of two people per home. Based on this average, the applicant is proposing to place between 9 and 12 households in the home. This large-scale proposal will be detrimental to the existing character of the development in the immediate neighborhood.

H.3.(5). *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.*

I dispute this finding. While there were 16 signatures by residents on the initial petition, upon learning more about the applicant's intended development of the property, nine (9) residents rescinded their signatures (letters stating the same were presented at the January 27<sup>th</sup> hearing), one (1) resident has since passed away, two (2) homeowners who signed have been foreclosed upon, and the other 4 signatures are from landlords who have not been able to be reached.

Since November 2010, I have been involved in the GFCDC meetings related to this proposed development, and in attendance at the first public hearing related to the application for re-establishment of nonconforming use as a 4-unit building. The first meeting to discuss compromise between residents as organized by the GFCDC per the Committee's recommendation after the public hearing on January 27, 2011, was on Monday, February 21, 2011, three days before the second hearing scheduled for February 24, 2011.

For five months, we residents have remained engaged and interested in finding compromise with the GFCDC in an effort to assist them in upholding their mission while maintaining our vision of viability for our neighborhood. In five months, there has been little to no compromise initiated by the GFCDC. Only upon the close of the meeting on Monday, February 21<sup>st</sup>, was it clear that there is little compromise available for the residents due to the financial constraints the GFCDC is facing with regard to making this particular property viable for them. The final results of the meeting were solely to reduce the number of occupants to 18. With no room for compromise given the large-scale nature of the proposed development, I conclude that what is viable for the GFCDC is not what is best or viable for the resident homeowners and neighborhood. Therefore, I urge you to deny the application for re-establishment of nonconforming use as a 4-unit building at 941-943 Thomas Avenue, Saint Paul, MN 55104.

Thank you for taking time to read and consider my letter. As a homeowner in Frogtown and an interested resident, I am invested in preserving the vitality of my neighborhood.

Sincerely,

Erika R. Chisholm

2F# 10-921-993  
Greater Frogtown

Dear Zoning Committee,

I'm writing with concerns about the re-establishment of a nonconforming use as a 4-unit building at 941-943 Thomas.

I have lived on my block since 1988. In that time, we have worked through a lot of problem properties.

I am encouraged that the Greater Frogtown CDC wants to do something positive with this large house. I believe that with them in charge, this will not be a problem property. However, I cannot abide by their need to make it a 4-unit building. That is too many bedrooms and too many people in an area that is already very densely populated. I worry about the fact that there will be no place for the children, who live there, to play.

I have watched as the Greater Frogtown CDC became an organization and I watched as it grew to a successful part of the community. It grieves me to know that they were unwilling to compromise with my neighbors and reduce the size of this structure. I would be satisfied with a duplex or tri-plex, but not a 4-plex.

Please recommend denial of this proposed non-conforming use.

Sincerely,

Sallie Sheppheard  
971 Thomas Avenue  
St. Paul, MN 55104

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, February 24, 2011 3:30 P.M.  
City Council Chambers  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF JANUARY 27, 2011, ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

**NEW BUSINESS**

- 1      11-011-647   Macalester College Campus Boundary**  
Conditional Use Permit for expansion of Macalester College campus boundary to include 100 Cambridge and vacated alley to the east  
1600 Grand Avenue, NE corner at Macalester  
R3  
Josh Williams 651-266-6659

**OLD BUSINESS**

- 2      11-008-637   Andrew Blessing**  
Conditional Use Permit for a bed & breakfast with four guest rooms  
325 Dayton Ave, NW corner at Farrington  
RM2  
Sarah Zorn    651-266-6570
- 3      11-003-883   SPARC (843 Rice)**  
Conditional Use Permit for coffee shop drive-through with modifications of drive-through lane distance from residential property and required screening  
843 Rice St, NW corner at Atwater Street  
TN2  
Anton Jerve    651-266-6567
- 4      10-921-993   Greater Frogtown CDC**  
Re-establishment of nonconforming use as a 4-unit building  
941 Thomas Ave, between Milton and Chatsworth  
RT1  
Luis Pereira    651-266-6591

**ADJOURNMENT**

**ZONING COMMITTEE MEMBERS:** Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6565  
Facsimile: 651-228-3261*

**DATE:** February 23, 2011

**TO:** Neighborhood Planning Committee

**FROM:** Amy Spong, Historic Preservation Specialist

**SUBJECT:** Proposed designation of the *Jacob Schmidt Brewing Company Historic District* as a Saint Paul Heritage Preservation Site

#### **SITE DESCRIPTION**

The Jacob Schmidt Brewing Company Historic District straddles West 7th Street 1.5 miles southwest of downtown St. Paul and is within the West 7<sup>th</sup>/Ft. Road District 9 neighborhood. The District is roughly bounded by Jefferson Avenue on the north, Oneida and Erie Streets on the east, James Avenue on the south, and Toronto Street on the west, excluding a small triangle enclosed by West 7th Street, Palace Avenue, and Toronto Street. Fort Road, as West 7th Street was known through its first century, was the major artery connecting downtown St. Paul, the Upper Landing settlement, and Fort Snelling.

The historic district encompasses 54 acres of land in an area of mixed residential, commercial, and light industrial use (see Attachment 2 for map). Extant buildings and structures historically involved in beer production and packaging are confined to the south side of West Seventh Street (Numbers 1-4). Most important of these are four freestanding complexes: the Main Brewery Complex (property number 1, spanning from the boiler house on the north to the malt terminal on the south), the Bottling Plant (property number 2), the Office Building (property number 3), and the Keg House (property number 4). Three additional properties south of West Seventh Street are: a concrete retaining wall and iron fence connected to the bottling complex (property number 5), a detached well house (property number 6), and an advertising billboard (property number 7). These are enumerated in order of construction of their first building component. After the period of historic significance, a handful of modern additions were made to the Main Brewery Complex, the Bottling Plant, and the Keg House. Two additional well houses were also built. Finally, the ethanol operation of the early 2000s added a scattering of structures to the sound end of the plat and one building addition to the Keg House.

Beneath and stretching both north and south of West 7th Street are the Underground Cellars (property number 8), comprised of the interconnecting fermentation and storage cellars and passageways of the Main Brewery Complex and its predecessor on West 7th Street.

North of West Seventh Street are an additional seven historic properties: a sprawling Delivery Vehicle Complex (property number 11) and six residential properties originally owned by the brewery or its officials (property numbers 9, 10, 12, 13, 14, and 15). These also are enumerated in order of construction of their first building component. Modern, noncontributing properties and property components north of West Seventh Street include private automotive garages, a utility building, and a gazebo.

The district contains 15 contributing properties and 11 noncontributing properties. It has a high degree of integrity, retaining all of its key buildings from the Schmidt-Bremer era of 1901-1955 and fragments of buildings from the Stahlmann era preceding Schmidt. Nearly all of the alterations and demolitions occurring within the period of significance were done in the course of improving or expanding the brewery and its thematically related buildings. Those occurring in recent times have not harmed the fundamental integrity of any of the historic structures. In addition, brewery architects within the period of significance showed an unusual degree of respect for the work of their predecessors, creating a complex of buildings and structures with a remarkable degree of homogeneity considering the numerous phases of construction.

#### **PERIOD OF SIGNIFICANCE (1858-1955)**

The period of significance for the Jacob Schmidt Brewing Company is from 1858 to 1955 and spans the ownership of the Stahlmann, Schmidt, and Bremer families, when the brewery's historic buildings were erected. The start date marks the beginning of Stahlmann's expansion into native-stone buildings and underground fermentation cellars, and the terminal date comes at the end of large scale, locally owned and managed brewing operations in the area until the birth of microbreweries in the 1980s.

All of the residential properties within the historic district belong to the period of significance and are contributing properties to the district. However, many of the other properties within the district boundaries are non-contributing, in each case because of construction after the period of significance and in a manner incompatible with the architecture of the historic period.

#### **CONFORMANCE TO LEGISLATIVE CODE**

The St. Paul Legislative Code establishes seven criteria for the designation of heritage preservation sites (§73.05). The Jacob Schmidt Brewing Company Historic District meets criteria 1, 5, and 7.

Designation Criterion 1 (§73.05(a)(1)) states that the Saint Paul Heritage Preservation Commission (HPC) shall consider the following about the district:

#### ***Its character, interest or value as part of the development, heritage or cultural characteristics of the City of St. Paul, the State of Minnesota, or the United States***

The brewery industry played a leading role in several facets of St. Paul's development as an urban center: the growth of neighborhoods remote from the city core, the attraction and employment of a large population of German immigrants, and the emergence of the city as a major producer of goods consumed by the expanding tier of northern states to the west. Numerous spurs from the brewery to a nearby line of the Chicago, St. Paul, Minneapolis, and Omaha Railroad aided the growth of its western market.

As a mark of the brewery's economic importance to St. Paul, it led the way in the city's emergence from each of the major economic depressions between 1858 and 1935. Stahlmann's building campaigns of 1858 and 1880 were among the first entrepreneurial initiatives after the panics of 1857 and 1875, respectively. An even more severe depression swept the country with the Panic of 1893. Building activity and commercial enterprise entered a trough from which they were not to emerge until 1901. In that year, \$600,000 was expended in manufacturing plants, with all but \$100,000 of this sum going to brewery expansions and rebuilding at Schmidt's brewery and Hamm's brewery on the East Side. Finally, in the Great Depression of the 1930s, Schmidt Brewery's return to production at the end of Prohibition again was at the forefront of renewed growth and investment in St. Paul's commercial and industrial sector.

Designation Criterion 5 (§73.05(a)(5)) states that the HPC shall consider the following about the district:

***Its identification as the work of an architect, engineer, or master builder whose individual work has influenced the development of the City of St. Paul***

The main brewery complex represents the masterwork of one of the nation's leading brewery architects, Bernard Barthel, which was carried forward by his local follower, Walter W. Magee; and leading St. Paul architect Charles A. Hausler.

Bernard Barthel designed and engineered the Jacob Schmidt Brewery at the beginning of an illustrious career. It was his first independent commission, and it remained the signature accomplishment of his career.

Barthel's signature as designer of Midwest breweries was a stylistically unified building mass recalling the Romanesque castles of the Rhineland. His breweries were also renowned for incorporating the latest technologies in ventilation and refrigeration, all developed from the innovations of his renowned mentor and former employer, Frederick W. Wolff.

Walter W. Magee, hired to remodel and expand the brewery the year of Barthel's death, followed Barthel's lead as both designer and engineer before launching into a Moderne aesthetic to which he applied a distinctive industrial edge.

Designation Criterion 7 (§73.05(a)(7)) states that the HPC shall consider the following about the district:

***Its unique location or singular physical characteristic representing an established familiar visual feature of a neighborhood, community, or City of St. Paul***

Foreign tourists of the Upper Mississippi River Valley during the latter half of the 19th century often remarked on the resemblance of the massive stone outcroppings on its bluffs to Rhineland castles. Bernard Barthel took these musings one step further by constructing monumental brew houses in frank imitation of the complex contours and fortified towers of Rhenish medieval castles. His remaining brew houses in St. Paul, Burlington, Iowa, and Warsaw, Illinois all tower over the river. In addition, the location of the Schmidt brewery at the heart of the West 7th Street neighborhood gives it a powerful community presence. More generally, it is the single most prominent visual landmark in St. Paul west of the State Capitol and the Cathedral.

## **BACKGROUND**

The first comprehensive Historic Sites Survey in St. Paul was completed in 1983. Several of the brewery buildings were identified and inventory forms were completed. A thematic National Register Nomination for brewery related buildings was also prepared and the buildings were listed as eligible for designation in the final report. In 2004, Andrew Hine, submitted documentation to the State Historic Preservation Office (SHPO) and per a letter dated February 3, 2005 from the Minnesota Historical Society (MHS) the Jacob Schmidt Brewing Company site was determined eligible for nomination to the National Register of Historic Places under National Register Criteria A, B and C. The letter states the brewery is significant under Criterion A for its

association with industry and commerce for its production of a major brand of beer. The brewery is also significant for its association with Christopher Stahlmann, Jacob Schmidt and Otto and Adolph Bremer who were responsible for the establishment and success of the brewery. It is also architecturally significant under Criterion C for its [Victorian] Romanesque style of architecture designed by Chicago architect and engineer, Bernard Barthel.

In 2005, the West 7<sup>th</sup>/Ft. Road Federation commissioned Paul Clifford Larson to complete a Designation Study which further established the architectural significance of the brewery site, recommended boundaries for the district and also examined the development of the brewing industry in Minnesota and the larger context of brewery development.

In a letter dated April 13, 2010, Council Member Dave Thune, formally requested the St. Paul HPC initiate a process to locally designate the now-abandoned Schmidt Brewery. On May 13, 2010, the HPC voted unanimously to initiate the designation process for the potential historic district. HPC staff applied for and received a \$7,000 Historical and Cultural Heritage Grant from the Arts and Cultural Heritage Fund administered by the Minnesota Historical Society. The City retained Paul Clifford Larson to complete the local designation form and assist in the preparation of the Preservation Program for the district. Final drafts were submitted to the HPC on February 11, 2011.

As required by the Legislative Code 73.05 (b):

*The heritage preservation commission shall advise the city planning commission of the proposed designation of a heritage preservation site, including boundaries, and a program for the preservation of a heritage preservation site, and secure from the city planning commission its recommendation with respect to the relationship of the proposed heritage preservation designation to the comprehensive plan of the City of Saint Paul, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed designation. Said recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the heritage preservation commission along with its recommendation concerning the proposed designation to the city council. The heritage preservation commission may make such modifications, changes and alterations concerning the proposed designations as it deems necessary in consideration of the recommendations of the city planning commission.*

## **COMPREHENSIVE PLAN CONFORMANCE**

There are several references to the development of the Schmidt Brewery area within the Comprehensive Plan. Specifically, the area is identified as an opportunity site within the Land Use Chapter and is located along a future transitway (T2.9(a)) in the Transportation Chapter. The following is a list of applicable references in the Comprehensive Plan:

### **Historic Preservation Chapter**

**Strategy 3:** Identify, Evaluate and Designate Historic Resources

**3.11.** Make the designation of significant historic resources as heritage preservation sites a priority for the City Council.

**3.12.** Designate historic resources, such as buildings, structures, objects, archaeological sites, historic districts, and landscapes as Saint Paul heritage preservation sites or historic districts.

**Strategy 4:** Preserve and Protect Historic Resources

**4.3.** Protect undesignated historic resources.

**Strategy 5:** Use Historic Preservation to Further Economic Development and Sustainability

**5.3.** Realize the full economic potential of key historic resources.

**5.9.** Actively promote the use of Federal historic preservation tax credits for the rehabilitation of income-producing properties listed on or determined eligible for listing on the NRHP (see Appendix HP-A).

### **Land Use Chapter**

**Strategy 1:** Target Growth in Unique Neighborhoods

**1.11** Designate areas as Neighborhood Centers (The brewery area is listed as a future center).

**1.17** Promote a place, amenity, or activity that serves as a community focus and emphasizes the special identity of individual Neighborhood Centers.

**1.54** Identify opportunity sites for future development consistent with the *Saint Paul Comprehensive Plan*, either as mixed-use development or as employment centers, including, but not limited to (The brewery area is listed as an opportunity site).

**Strategy 3:** Promote Aesthetics and Development Standards

**3.18** Support the protection and enhancement of the visibility of architectural landmarks.

### **Transportation Chapter**

**Strategy 2:** Provide Balance and Choice

**2.13(e)** As a part of redevelopment or reinvestment, discourage the demolition of housing units or historic resources for new surface parking lots.

### **RELATIONSHIP TO NEIGHBORHOOD PLANS**

There are several references to the Schmidt Brewery and historic preservation within the West 7<sup>th</sup>/Fort Road District 9 Area Plan (adopted by the district council in 2006). The plan summary, adopted by the City on July 7<sup>th</sup>, 2010, highlights a strategy to pursue local and National Register designation of the Schmidt Brewery buildings. The designation of the Schmidt Brewing Company Historic District as a local heritage preservation site would serve to meet the goals of this plan. Further, certifying the district for the National Register of Historic Places would allow for income producing uses to take advantage of the Federal and newly adopted State Historic Tax Credits for rehabilitation.

### **EFFECT ON SURROUNDING NEIGHBORHOOD**

Designation would have a positive effect on the surrounding properties, both residential and commercial, and act as an anchor for redevelopment in the Ft. Road neighborhood.



Having design review guidelines will help to insure the district develops while maintaining its architectural and historical character over the long term.

### **STAFF RECOMMENDATION**

Staff recommends that the Neighborhood Planning Committee recommend that the Planning Commission support the designation of the Jacob Schmidt Brewing Company Historic District as a Saint Paul Heritage Preservation Site and the accompanying Preservation Program. A copy of the draft resolution will be handed out at the committee meeting.

### **Attachments:**

1. Designation Activities Checklist
2. Part 1. Jacob Schmidt Brewing Company Historic District Nomination (*includes district map showing contributing and non-contributing structures*)  
Part 2. Jacob Schmidt Brewing Company Historic District Nomination  
(*only Part 1 and 2 included, Part 3 includes individual property descriptions and is a large file*)
3. Part 4. Preservation Program for the Historic District

## DESIGNATION ACTIVITIES CHECKLIST

\_\_\_\_\_ Designation Study Form completed with map, photos and preservation program

### MINNESOTA HISTORICAL SOCIETY

\_\_\_\_\_ Letter from Chair to MHS requesting comments  
\_\_\_\_\_ MHS comments received

### CITY PLANNING COMMISSION

\_\_\_\_\_ Letter from Chair to NPC Chair requesting comments  
\_\_\_\_\_ NPC Staff Report Prepared (HPC staff report with ref to comprehensive plan  
conformance)  
\_\_\_\_\_ PC Resolution Prepared  
\_\_\_\_\_ NPC Committee Meeting  
\_\_\_\_\_ Planning Commission Meeting

### HERITAGE PRESERVATION COMMISSION

\_\_\_\_\_ Public Hearing Scheduled by HPC  
\_\_\_\_\_ Public Hearing Notices Sent  
\_\_\_\_\_ Notice in Pioneer Press  
\_\_\_\_\_ Notice sent to Neighborhood Organizations  
\_\_\_\_\_ Notice sent to Owner  
\_\_\_\_\_ Notice sent to Property Owners within 100'  
\_\_\_\_\_ HPC Staff Report Prepared  
\_\_\_\_\_ Public Hearing Held  
\_\_\_\_\_ HPC Resolution Prepared  
\_\_\_\_\_ Recommendation from HPC to City Council

### CITY COUNCIL

\_\_\_\_\_ Draft Ordinance Prepared with Record of Prior Reviews  
\_\_\_\_\_ Enter Ordinance into Legistar  
\_\_\_\_\_ Public Hearing Scheduled  
\_\_\_\_\_ Public Hearing Notices Sent  
\_\_\_\_\_ Notice in Pioneer Press  
\_\_\_\_\_ Notice to Neighborhood Organizations  
\_\_\_\_\_ Notice to Owner  
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\_\_\_\_\_ Public Hearing Held  
\_\_\_\_\_ Consideration by City Council

# Jacob Schmidt Brewing Company Historic District

St. Paul Heritage Preservation Commission



*1948 Bird-eye view*

February 23, 2011  
Neighborhood Planning Committee Draft

## **Credits**

**Mayor Christopher B. Coleman**

### **City Council**

Melvin Carter III, Ward 1

Dave Thune, Ward 2

Pat Harris, Ward 3

Russ Stark, Ward 4

Lee Helgen, Ward 5

Dan Bostrom, Ward 6

Kathy Lantry, Ward 7

### **Saint Paul Heritage Preservation Commission**

John Manning, Chair

Rich Laffin, Vice Chair, AIA

Matt Mazanec, Secretary

Richard Dana

Robert Ferguson

Jennifer Haskamp

Matt Hill

Renee Hutter

Lee Meyer, AIA

David Riehle

Mark Thomas

Steve Trimble, RCHS

Diane Trout-Oertel, AIA

### **Department of Planning and Economic Development**

Cecile Bedor, Director

Donna Drummond, Director of Planning

### **Research and Planning**

Amy Spong, Planner-in-Charge

Christine Boulware

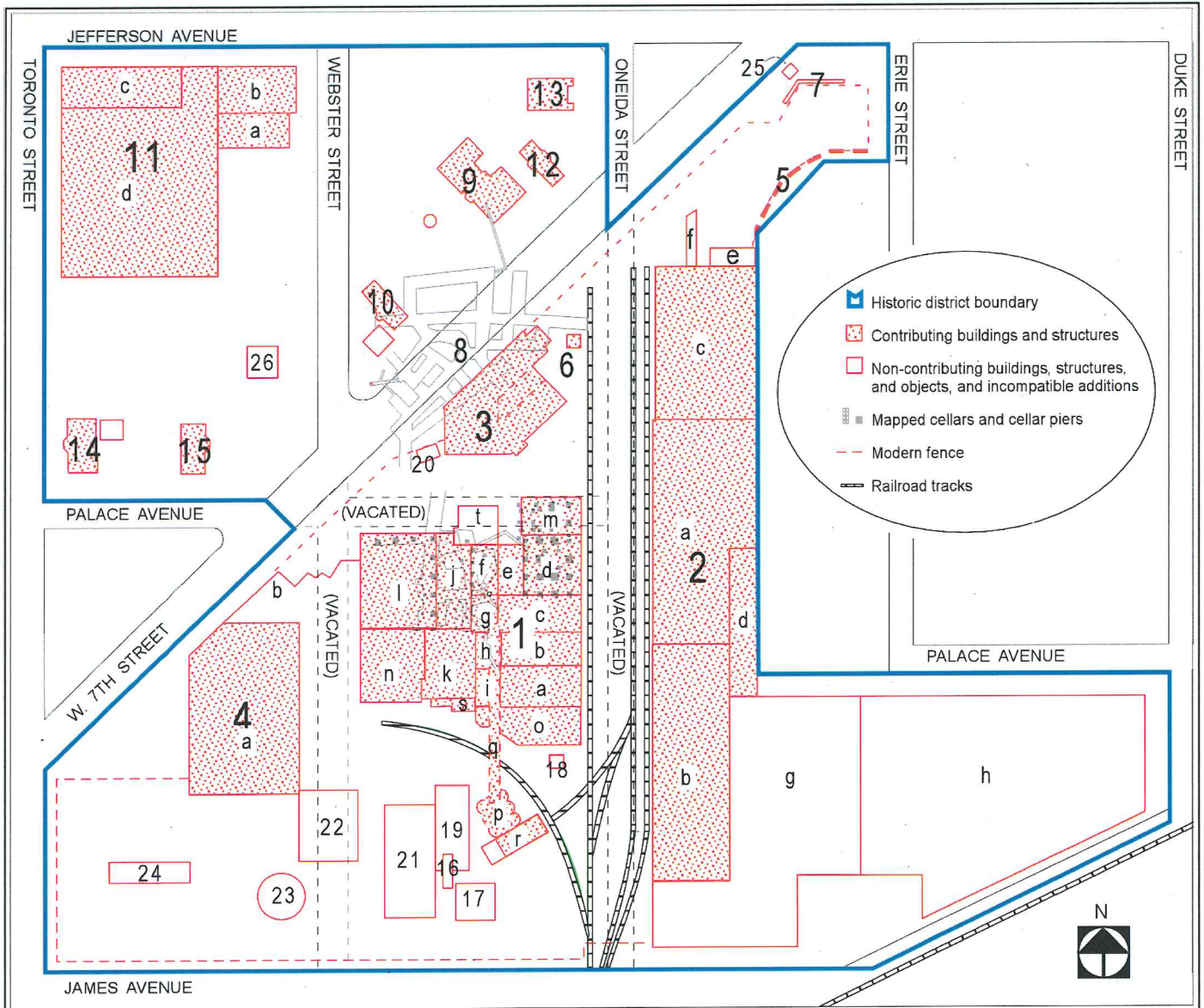
Becky Willging, Intern

Joey Larson, Intern

### **Project Historian and Author**

Paul Clifford Larson

The Jacob Schmidt Brewing Company Historic District Nomination was made possible in part by the Arts and Cultural Heritage Fund through the vote of Minnesotans on November 4, 2008. Administered by the Minnesota Historical Society.



# JACOB SCHMIDT BREWING COMPANY HISTORIC DISTRICT

1 inch = 100 feet

© Paul Clifford Larson 2008, 2011

## District Properties

1 Main Brewery Complex  
405-421 Oneida Street

2 Bottling Plant  
396-440 Oneida Street

3 Office Building  
882 W. Seventh Street

4 Keg House  
415-419 Webster

5 Retaining Wall and Iron Fence  
6 Well House #4

7 Billboard

8 Underground Cellars

9 Stahlmann-Schmidt-Bremer House  
855 W. Seventh Street

10 Henry C. and Marie A. Stahlmann  
House  
877 W. Seventh Street

11 Delivery Vehicle Complex  
355, 359 Webster Street  
354, 370 Toronto Street

12 Frank and Angelina Nicolin  
House  
847 w. Seventh Street

13 Frank Nicolin Rental Duplex  
357-359 Oneida Street

14 Michael and Katherine Leirich  
House  
615 W. Seventh Street

15 John and Susanna Aubele House  
601 W. Seventh Street

16 Stock House Cellar Entrance

17 Cooling Plant Supports

18 Well House #5

19 Tank Farm Platform

20 Well House # 6

21 Retaining Wall

22 Ethanol Cooling Plant

23 Corn Silo Foundation

24 Ethanol Control Room

25 Public Transit Shelter

26 Truck Garage Utility Building  
395 Webster Street

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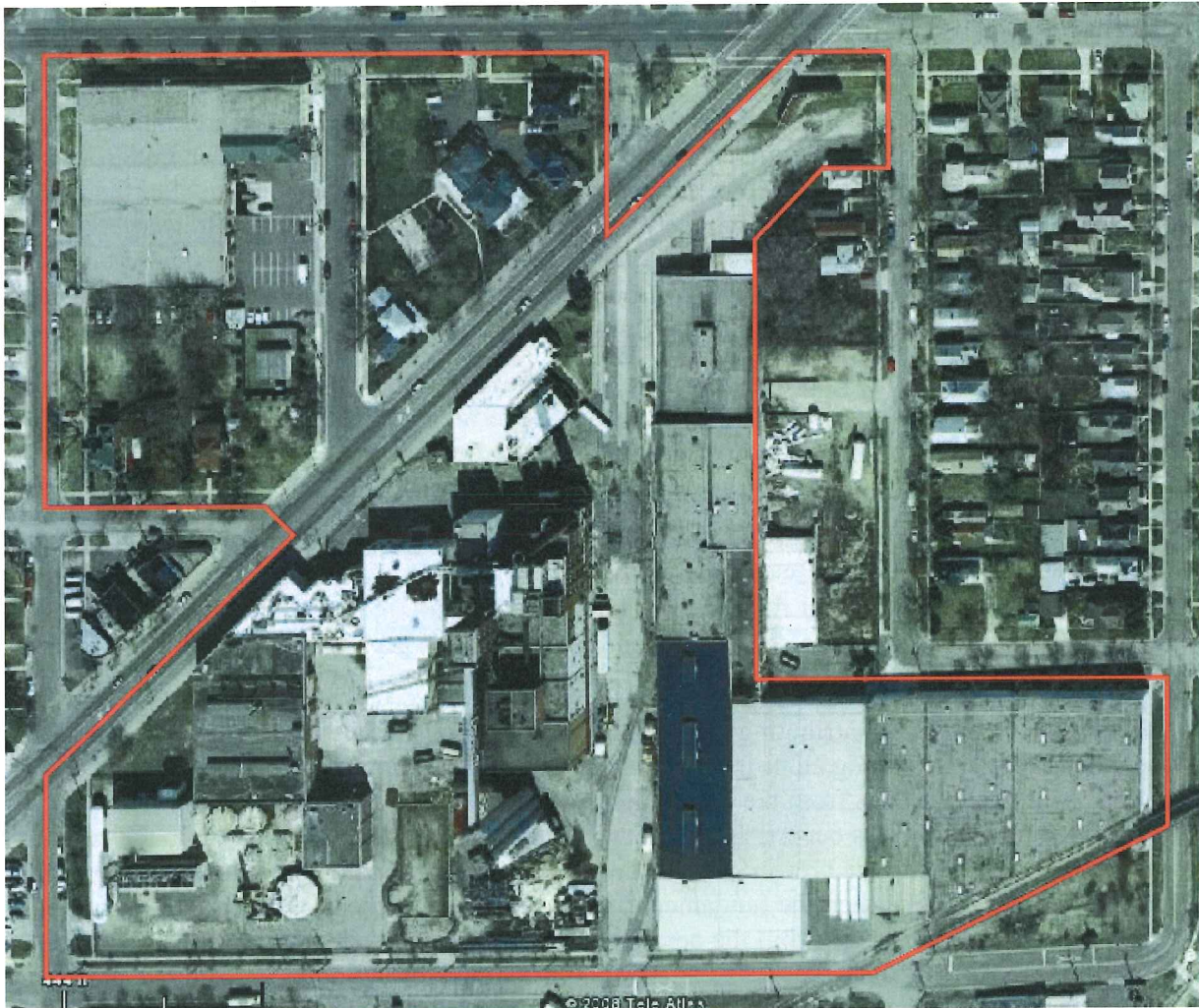
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# JACOB SCHMIDT BREWING COMPANY HISTORIC DISTRICT

## Part 1

### DISTRICT DESCRIPTION





## DISTRICT DESCRIPTION

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Barthel's lead as both designer and engineer before launching into a Moderne aesthetic to which he applied a distinctive industrial edge.

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#### **PERIOD OF SIGNIFICANCE (1858-1955)**

The period of significance for the Jacob Schmidt Brewing Company (1858 to 1955) spans the ownership of the Stahlmann, Schmidt, and Bremer families, when the brewery's historic buildings were erected. The start date marks the beginning of Stahlmann's expansion into native-stone buildings and underground fermentation cellars, and the terminal date comes at the end of large scale, locally owned and managed brewing operations in the area until the birth of microbreweries in the 1980s.

All of the residential properties within the historic district belong to the period of significance and are contributing properties to the district. However, many of the other properties within the district boundaries are non-contributing, in each case because of construction after the period of significance and in a manner incompatible with the architecture of the historic period.

#### **ARCHITECTURAL CHARACTER**

The typological and stylistic character of the historic district shows great diversity. Most of the brew house complex, in both the Stahlmann and Schmidt incarnations, is of bearing wall masonry above a native limestone foundation. Floors are of reinforced concrete. In style the older parts of the brew house complex and bottling house have a strong medieval revival character. This is not shared by any other buildings in the historic district. Many of the brewery improvements of the post-Prohibition years are in a strong Moderne vein, which spread briefly across Seventh Street with the construction of a large truck garage on Toronto Street. All of these buildings are of steel frame construction with brick and stone facings.

Outside of and aesthetically unrelated to the brewery complex itself, several of the contributing buildings have strong stylistic character. Stahlmann's three contributions to the surviving members of the historic district are particularly noteworthy. His own house of native limestone is

a fine example of the Italianate style, arguably the most complete and intact surviving example in the West End of the city. It is an industrialist's version of the Alexander Ramsey House (1872, NRHP) in Irvine Park built of the same materials just two years earlier. The Henry C. Stahlmann house next door (1878) is an equally intact wood frame version of the style in smaller scale and affixed to a side-hall plan that has multiple stylistic envelopes here and elsewhere. The city once abounded in houses of this latter character, but only a score remain in anything approaching original condition. Finally, Stahlmann's Brewery stable of 1881, located in the midst of the area of the district north of Seventh Street, is a rare surviving secondary building in the Italianate style. Its roof replacement after a turn-of-the-century fire lacks the detail (e.g., brackets or modillions) of the original, but the small, arched window openings express a vernacular adaptation of the Italianate style to a horse barn.

Several turn-of-the-century houses and remodelings on the north side of West Seventh Street lack the visual panache of the Stahlmann-era buildings but clearly attest to the brewery's continuing mark on the development of the neighborhood and city. All were owned at one time by the brewery or its officers. They also express the evolution of tastes and styles during the early years of the brewery under Schmidt ownership. Strong Craftsman elements mark the Leirich and Auberle houses on Palace Avenue, as they do the remodeling of the Stahlmann-Schmidt Bremer House on West Seventh Street.

#### **CHARACTER OF THE LANDSCAPE, STREETScape, AND SITE**

The brewery and its neighborhood occupy a large parcel of fairly flat terrain diagonally split by W. Seventh Street. The land falls steeply away from the railroad that skirts the southern edge of the brewery, making it a prominent landmark from the river. The Main Brewery Complex is also highly visible from approaches both up and down W. Seventh Street and retains visibility from close approaches in all directions as well. On the brewery plats themselves, the brewery buildings in silhouette form a classic urban pyramid, with the tallest at the center and a fall-away to two story buildings on the front and both sides. An early fanciful rendering showed significant plantings on the brewery site but were never carried out. The railroad spurs and the constant need for trucking access to nearly all of the buildings likely rendered the maintenance of any kind of planting plan impracticable.

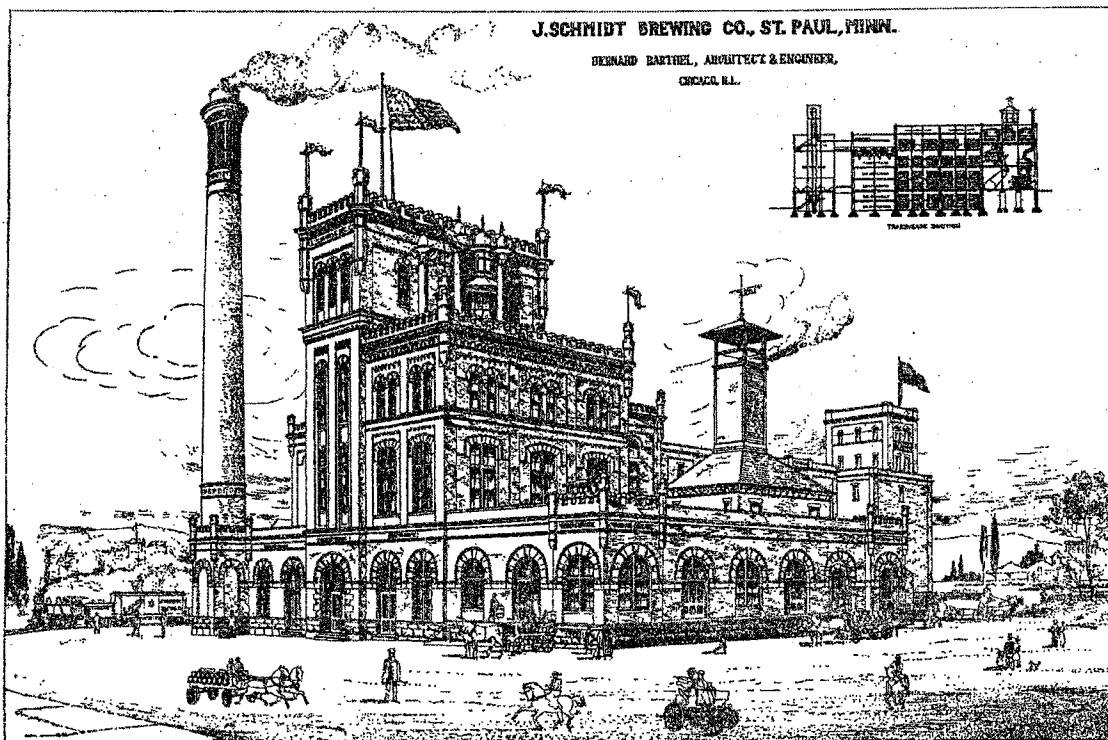
On the north side of West Seventh Street, all the buildings are evenly scattered but for the large lot retained by the Stahlmann-Schmidt-Bremer House, a fraction of what it used to be but still the expansive grounds of a manorial residence. In the Stahlmann and Schmidt years the block was densely planted with trees, with orchards to the rear as well as boulevard plantings. The major alterations to the landscape that took place in the last century were the replacement of the beer garden and saloon by two quite typical residential lots and the filling of bare land at the northwest corner with a growing number of connected buildings and parking lots. These changes all took place within the period of significance and in fact were brought about by the brewery ownership.

The close relationship of the brewery to the Omaha Road is everywhere evident on the brewery site, particularly in the tracks imbedded on Oneida and swinging over to the Malt Elevator and the Keg House. These are a constitutive part of the site hardscape, just as the size and proportions of the Keg House doors are witness to their use to load rail cars.

The only historic fence on either side of West Seventh Street was a simple iron-picket fence encircling the block once owned in its entirety by Christopher Stahlmann. That fence has been gone since at least 1960, although fragments of its limestone base survived until 2006. The present fence in front of the Stahlmann-Schmidt Bremer house and the Nicolin House is of unknown origin and was installed sometime after mid-century. A modern iron-picket security fence surrounds the brewery property.

The irregular shape of the blocks on either side of West Seventh Street adds prominence to both gateways, the east gateway announced by a small green space on either side and the billboard on the south and the west gateway formed by a small park on the side of the Keg House. The absence of other signage or other forms of urban clutter along the street draws attention to the historic properties themselves.

**PART 2**  
**DISTRICT SIGNIFICANCE**



## DISTRICT SIGNIFICANCE

### THE IMPORTANCE OF SCHMIDT'S BREWERY AND THE BREWING INDUSTRY TO ST. PAUL

The birth of the brewing industry in St. Paul, as elsewhere in the Midwest, coincided with a massive influx of German immigrants in the 1840s and 50s. They brought with them a relatively new method of brewing, in which fermentation occurred at the bottom rather than the top of the vat and the beer was laid up under refrigeration in barrels for several months before drinking. This lagering method had been known since the late 18th century in Germany but did not establish a foothold in the United States until 1840. From its introduction in Philadelphia it spread to cities in the middle states that were hosts to large numbers of German immigration, notably San Antonio, Chicago, St. Louis, Milwaukee, and St. Paul. By the opening of the Civil War, German immigrants had engulfed the American brewing industry, and lager was fast overtaking ale and other English brews as the dominant type of beer in the United States.<sup>1</sup>

Germans and the lager method dominated the brewing industry in Minnesota from the beginning. Anton Yoerg was the first to establish a brewery in what would become the Twin Cities. His plant of 1849 on the West Side of St. Paul was followed the next year by John Orth's brewery in St. Anthony. By the arrival of statehood in 1858, St. Paul boasted six breweries: Bruggemann's, Banholzer's, and the North Mississippi Company founded in 1853, and the City Brewery, North Star Brewery, and Stahlmann's founded in 1855. This number, closely matched by Minneapolis and St. Anthony, was substantial for communities still numbering less than 5,000 inhabitants; but they were well behind the forty breweries St. Louis could boast of prior to the Civil War, as the city's population approached 160,000.<sup>2</sup>

The early St. Paul breweries clustered in three areas: the steep bluff above the Mississippi River on the West Side, the eastern edge of the embankment above the Trout Creek gulley, and a long strip of land between Fort Road and the Mississippi River. All three areas had caves carved into the soft St. Peter sandstone that lies beneath the limestone bedrock undergirding the city. Expansion of the existing caves into the deep, level rooms required for lagering could be achieved quickly and with simple tools.

Six breweries arose on the bluffs along Fort Road, interspaced with numerous foundries, factories, and a major yard of the Chicago, Minneapolis, St. Paul, and Omaha Railroad. Among its five local competitors, Stahlmann's Cave Brewery quickly rose to leadership. By the time of its transition to the Jacob Schmidt Brewing Company, it was the only West End brewery remaining and one of the three largest breweries in the Twin Cities, a position it maintained throughout the remainder of its history. In the meantime, much of the industrial base of the West Seventh Street neighborhood disappeared, along with the railroad yard, leaving the Schmidt Brewing Company as the dominant industrial and commercial enterprise on West Seventh Street.

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1 Much of the information in this paragraph is drawn from J. E. Siebel, *One Hundred Years of Brewing*, supplement to *The Western Brewer* (Chicago: H. S. Rich & Co., 1903), 340-346.

2 For a history of St. Paul's breweries, see Gary J. Brueggeman, "Beer Capital of the State: St. Paul's Historic Family Breweries," *Ramsey County History* 16:2 (1981), 3-15.

St. Paul's development as an urban center depended on a thriving industrial and commercial sector, and the brewing industry was both major player and bellwether in the rising economic tide of the city. Outlying breweries in particular spurred the growth of neighborhoods remote from the city core, in the process stimulating the infill of the commercial corridor between brewery and city. Like German-language churches and schools, the breweries were also a magnet for the immigration and employment of a large German population. Most importantly for the city's commercial and financial independence, the local brewing industry helped turn St. Paul into a major producer of goods consumed by the expanding tier of northern states to the west rather than simply an entrepot for goods from Chicago, New York, and New England.

As a mark of the brewery industry's economic importance to St. Paul, it led the way in the city's emergence from each of the major economic depressions between 1857 and the 1930s. The record of the brewing company established by Chris Stahlmann is particularly clear. His building campaigns of 1858 and 1880 were among the first entrepreneurial initiatives after the panics of 1857 and 1875, respectively. An even more severe depression swept the country with the Panic of 1893. Building activity and commercial enterprise entered a trough from which they were not to emerge until 1901. In that year, \$600,000 was expended in manufacturing plants, with all but \$100,000 of this sum expended by Schmidt's rebuilding of the Stahlmann plant and Hamm's brewery expansion on the East Side. Finally, in the Great Depression of the 1930s, Schmidt Brewing Company's return to production at the end of Prohibition again placed the brewery at the forefront of renewed growth and investment in St. Paul's commercial and industrial sector.

Schmidt's Brewery, as it was commonly known, had its roots in two St. Paul brewing operations. The parent establishment on the West Seventh Street site was Bavarian immigrant Christopher Stahlmann's Cave Brewery. But Schmidt himself—and the beer that he would brew at the Stahlmann site—had roots in the North Star Brewery in Dayton's Bluff. These two historical paths, joined in the formation of Schmidt's brewery, will be explored in turn.

### THE STAHLMANN ERA (1858-1899)

Christopher Stahlmann's brewing operation, at first known as the Cave Brewery, was the initial development on the Jacob Schmidt Brewing Company site. Henry Christopher Gottlieb Stahlmann (1829-1883) was born to an affluent family in Nuremberg, Bavaria on June 19, 1829. The bankruptcy of his father spurred him and his brothers to seek work abroad. Christopher (the given name he used) immigrated to the United States in 1846 or 1849. After working as a brewer's helper in New York City and Cincinnati, he moved to Muscatine and then in 1854 to Iowa City, Iowa, where he married Katharina Paulus (1834-1874) and set up his own brewery business. A year later he arrived in St. Paul and by July 5 opened a new brewery operation. He was the fourth or fifth to build a brewery in or near the city, but the first to have the optimism and the foresight to plant his establishment on an expansive site well removed from the city center. The city was undergoing its first population explosion, with 553 steamboats arriving in 1855 alone. The population of 4400 would more than double in the next five years.<sup>3</sup>

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<sup>3</sup> Early sources disagree about his immigration date. One source (Newson) also has him first settling in Indiana rather than New York City. This précis of Stahlmann's life and character is compiled from a *St. Paul Pioneer Press* obituary for Christopher Stahlmann, Dec. 4, 1883; Edward D. Neill, *History of Ramsey County and the City of St. Paul* (St. Paul: North Star Publishing Co., 1881), 614; T. M. Newson, *Pen Pictures of St. Paul, Minnesota* (St. Paul:



In 1858 Stahlmann moved his brewery operation from the north side to the south side of Fort Road, beginning with a three-story brew house built of the native limestone he would use for all of his future buildings. A fermentation house and bottling plant followed in the mid-1870s, in addition to extensive fermentation cellars being built under the brewery (property number 8). By the onset of the Civil War, Stahlmann's Cave Brewery was the leading beer producer in the state, exporting its product to a wide swath of territory from Canada to the border states. He had clients in Manitoba, Virginia, Nebraska, St. Louis, Missouri, and Memphis, Tennessee.<sup>4</sup>

For twenty-three years the Cave Brewery operated out of the limestone building complex and its sandstone cellars that grew up on and under the southwest corner of Fort Road and Oneida Street. The bursts of construction in 1858 and the mid to late 1870s led to spikes in production. In 1870, Stahlmann's real estate holdings were assessed at \$30,000 (six times the 1860 assessment) and his personal estate at \$15,000, making him at that early date one of the most prosperous businessmen in the city. A few years later he built a large house for his family, by then consisting of a wife, Katharina, four sons and a daughter, his mother, and two servants. Constructed on the site of the first brewery buildings, it was connected to the cellar complex by a basement stairway.<sup>5</sup>

Near the end of the decade, Stahlmann built a frame house next door for his eldest son (and leading employee), Henry, and his wife, Angela. In 1879, with the nation still in the throes of an economic depression, the Cave Brewery became the first Minnesota beer operation to reach the 10,000-barrel benchmark. It was also among the first, if not the first, to produce bottled beer, for the first time making the beverage easily available for home consumption.

The peak of the brewery's operation in Stahlmann hands came shortly thereafter. After a flurry of icehouse building brought most of the fermentation cellars above grade, the Cave Brewery was reorganized and incorporated on December 31, 1881, as the Christopher Stahlmann Brewing Company. Always a local leader in introducing brewery innovations, Stahlmann was among the first St. Paul brewers to make extensive use of icehouses. The American patent on the Lind ice machine that made the ice houses feasible had just been taken out in 1881, so he was at the forefront nationally as well.

Reorganization led to a rapid expansion of the brewery's capacity and footprint. Between 1880 and 1881, Stahlmann erected a stone stable northwest of his house; a boarding house, with a ground floor operating as brewery headquarters, west of his bottling plant; and a \$65,000 four-story (including the basement) new brewery complex in the block south of the old. Chicago architect Martin Wangen designed the new brewery buildings, a row of connected malt houses (part of property number 1) and barley-roasting kiln, the former with modillioned cornices to provide a modicum of style.

In the midst of this sudden growth of the brewery complex, a local publication announced that Stahlmann's Brewery was the largest lager producer west of Milwaukee. That was true only if it

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privately published, 1886), 531; Gary Brueggeman, "Beer Capital of the State: St. Paul's Historic Family Breweries," *Ramsey County History* v. 16 no. 2 (1981), 10; Adam Smith, "The History of the Stahlmann Family" (unpublished booklet, 2003), MHS Collections; U. S. Census, 1870 and 1880; Minnesota State Census, 1875 and 1885.

4 A Great Brewery," *St. Paul Dispatch*, Apr. 30, 1877.

5 The figures regarding Stahlmann's financial worth are based on census research by Smith.

does not take in Missouri. With a claimed peak capacity of 60,000 barrels (40,000 may have been closer to the mark), Stahlmann's Brewery was still 250,000 shy of Anheuser-Busch's production in St. Louis. Eight years later, the brewery itself hedged its claim a little more closely, advertising the operation as "the most extensive brewing establishment in the state or the Northwest."<sup>6</sup>

Stahlmann's death of tuberculosis at the peak of his fortunes in 1883 precipitated a cascade of misfortunes for his family and the family business. His three sons also died of tuberculosis over the next ten years, placing the firm in a poor position to withstand the twin challenges of the 1890s: a severe and long-lasting economic depression and the rising dominance of major corporations. After several attempts to reorganize the brewery spearheaded by carriage maker George Mitsch, the brewery passed into receivership in 1897.

Under its new name, St. Paul Brewing Company barely survived the century. Its manager, Frank Nicolin, formerly a merchant miller, lived on Seventh Street just west of the brewery. His ascendance in the brewery, perhaps aided by his marriage to the eldest Stahlmann son's widow, allowed him to construct his own home next to the old Christopher Stahlmann place on West Seventh Street in 1900, to be followed a year later by a rental duplex. Both houses are contributing properties in the historic district. Nicolin's move into the immediate vicinity of the brewery, to be followed shortly by his retirement, was coincident with the arrival of Jacob Schmidt, the second major figure associated with the history of the brewery.

#### **THE SCHMIDT-BREMER ERA AND ITS ARCHITECTS (1900-1955)**

Jacob Schmidt (1845-1910) was one of the most widely known and respected brewers in the Upper Midwest. Born in Bavaria on October 9, 1845, he immigrated to the United States at the age of 20, with some brewery experience already in hand. His first employer was the Miller Brewery in Rochester, New York. After a year there, he moved to Milwaukee, working at different times for the Philip Best, Blatz, and Schlitz breweries. In 1870, at the urging of his friend Theodore Hamm, he became brewmaster at Hamm's plant on the East Side of St. Paul. But then he continued to wander, first to New Ulm, where he worked for August Schell and married Katherine Haas in 1871, then on to Berlin, Wisconsin, back to St. Paul to work for Bahnholzer, and off to Milwaukee. In the latter city, his career must have sunk to a low point, for he listed his occupation in the 1880 census as "retired brewer," though he was still only 35 years old. After a short stint with the Keeley Brewery in Chicago, Schmidt finally returned to St. Paul to stay in 1884.<sup>7</sup>

In the year of his return, Schmidt first bought into and then gained control of the North Star Brewery south of Hamm's on the East Side. Located at Commercial Street and Hudson Road. According to some accounts, he had already worked at the North Star in the 1870s, when it underwent an ambitious building program resulting in a plant occupying an area 300 by 200 feet

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6 The hyperbole is from *Leading Industries of St. Paul, Minn.* (New York: Reed & Co., 1881), 134.

7 This sketch of Schmidt's early years is pieced together from W. B. Hennesey, *Past and Present of St. Paul, Minnesota* (Chicago: S. J. Clarke Publishing Co., 1906), 765-66; "Forgotten Facts about St. Paul," *St. Paul Shipping News*, Jan. 11, 1950; Brueggeman, 11; and Ron Feldhaus, *The Bottles, Breweriana, and Advertising Jugs of Minnesota, 1850-1920* (Minneapolis: privately published, 1986).

and described as “picturesque as a castle on the River Rhine.” By the late 1870s, like Stahlmann’s Cave Brewery, it claimed to be the largest brewery west of Milwaukee. Also like the Cave Brewery, it had enormous cellars and a large bottling department; however it achieved its highest production numbers with only 12 employees.<sup>8</sup>

Schmidt’s right-hand-man was Adolph Bremer (1869-1939), another German immigrant with whom Schmidt struck up a friendship on hunting trips. First appointed as bookkeeper, Bremer rose to become plant manager of the North Star Brewery in his early 20s and married Schmidt’s only child, Marie, in 1896. From the beginning, Bremer pushed the delivery end of the business, often using a wheelbarrow to deliver the product locally and forging friendly relations with the city’s barkeepers.<sup>9</sup>

In 1899, Schmidt formed a corporation, splitting ownership of the business in four equal parts. He retained one share and granted equal shares to the other corporation officers: Adolph Bremer, his older brother, Otto Bremer (1867-1951), and Peter Memmer (1854-1918). Then in 1900 the North Star Brewery burned to the ground, Schmidt and the Bremer brothers bought the mortgage on all of Stahlmann’s Seventh Street properties, and the Jacob Schmidt Brewing Company was born. Schmidt, Adolph Bremer, and their families shared the old Stahlmann house, an arrangement that endured until Schmidt’s death in 1910.

After operating the old plant for a short time under the North Star label, in August 1901 Schmidt initiated construction on a new complex (property number 1) that dwarfed the malt houses it absorbed. Estimated to cost \$200,000, the buildings erected in 1901-02 gave the rebuilt brewery a visual presence and a cache it had never had before and set the tone for brewery additions and alterations for decades to come.

While Schmidt’s new plant was still in the planning stages, Hamm’s boasted of being “the only brewery in St. Paul with a modern refrigerating plant” rather than “dark, ill-ventilated caves.” Modern technology had also introduced forced-air drying, reducing the need for the multiple, open-racked malt houses that characterized 19th-century brewing operations. Schmidt’s new brewery incorporated both of these new technologies. On completion of its first phase of construction, the 1903 *Book of Minnesota* heralded the new plant as “the most complete and modern in the Northwest,” claiming that it was “constructed upon the most modern scientific plans known to the art of making beer.”<sup>10</sup>

The architect and engineer of Schmidt’s rebuilding of the Stahlmann plant was Bernard Barthel. Born in Leipzig in 1866, Barthel came to Chicago in 1892. He began in the office of Frederick W. Wolff, the acknowledged pioneer in American brewery engineering at a time when American breweries were still following in the footsteps of German engineering advances.<sup>11</sup>

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8 Your Visit to the Jacob Schmidt Brewing Co.,” 1-2; “Forgotten Facts about St. Paul: The North Star Brewery—Jacob Schmidt,” *St. Paul Shopping News*, Jan. 11, 1950; Brueggeman, 11.

9 Hennessey, 531; Minnesota State Census, 1895; U. S. Census, 1900. Feldhaus, 38. Hennessey claims that both the Bremer brothers received university educations, but their youth at the time of their emigration would have cut their education short at the Gymnasium level, equivalent to a year beyond high school in this country.

10 Ad in *St. Paul Pioneer Press*, Aug. 4, 1901, 2:7.

11 The chronology in this paragraph derives from Susan Appel, “General Chronology for the Jacob Schmidt Brewery, St. Paul, MN,” in Andrew Hine, “Application for Determination of Eligibility for Historic Designation of the Jacob Schmidt Brewery,” 2003, State Historic Preservation Office, MHS.

The design of Wolff's brewery exteriors, developed by a corps of talented draftsmen such as Louis Lehle, leaned toward a rampant eclecticism. The Schoenhofen Brewery in Chicago (1867, demolished), Schlitz Brewery in Milwaukee (1890, NRHP) and Grainbelt Brewery in Minneapolis (1893, NRHP) all string together a succession of variously styled building blocks, from German Gothic to French Renaissance to mid-19th century European neoclassicism.

Barthel's faux-Rhineland castles sprang up in dozens of small-town breweries scattered throughout the Upper Midwest and Canada. Moehn Brewing Company in Burlington, Iowa, and the Warsaw Brewery in Warsaw, Illinois are two surviving examples. The Schmidt Brewery was the grandfather of these designs and remained the most elaborate and costly expression of Barthel's architectural vision.<sup>12</sup>

Beyond its envelope, Barthel's breweries were also renowned for incorporating the latest technologies. He remained in close contact with Frederick Wolff until Wolff died in 1912, and installed his ventilation and refrigeration methods and equipment and much of his brewing apparatus in the Schmidt plant. The possibility of ammonia vapor-compression refrigeration had been well attested for over forty years, but only in the last decade of the 19th century had it become both safe and practical for large-scale operation. Forced-air drying was an equally important innovation, allowing the malt houses to shrink to a fraction of their former size. Banks of large windows could be replaced with vents, allowing the malt houses to maintain even temperatures. Together, the two innovations helped to bring the fermentation chambers above ground. Still called "cellars," they occupied spaces formerly required for extensive germination and drying racks, key components of the old malting process. Even after Wolff died, Barthel kept abreast of the latest technologies, adding to and rebuilding the fermentation cellars of the Schmidt Brewery in 1913-17 to incorporate new tanks and equipment.

The design and technological sophistication of Schmidt's brewery catapulted Barthel to the front lines of his profession. On completion of the main phase of Schmidt's brewery expansion, the *Book of Minnesota* heralded the plant as "the most complete and modern in the Northwest," claiming that it was "constructed upon the most modern scientific plans known to the art of making beer."<sup>13</sup>

The brewery quickly recaptured the place once held by Stahlmann's near the front of St. Paul's brewing industry. Its annual output of 200,000 barrels was second only to the 250,000 barrels produced by Hamm's. The latter brewery continued to dominate the local market, but Schmidt established a stronger regional foothold. Employing 230 people, it was also the largest industry on the West End of the city. The company soon boasted of being the second largest "in the west outside of Chicago," and once again the claim is accurate only if St. Louis is excluded. Anheuser-Busch in St. Louis had already exceeded the 1,000,000-barrel mark, following in the

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12 Appel has found over 150 references to his work, though many are to the same project. See also Jeffrey A. Hess and Paul Clifford Larson, *St. Paul's Architecture: A History* (Minneapolis: University of Minnesota Press, 2006), 88.

13 J. G. Nielson, "The Brewing Industry," *The Book of Minnesota* (St. Paul: Pioneer Press Co., 1903).

footsteps of the two Milwaukee giants, Schlitz and Pabst; and the Minneapolis Brewing Company had reached 500,000 barrels.<sup>14</sup>

As vice president and plant manager of the Jacob Schmidt Brewing Company, Adolph Bremer was the natural successor to Schmidt on the latter's death in 1910. While Schmidt's expertise and primary focus had been the brewery, in particular its adoption of the most advanced technologies, Bremer continued to refine and expand his early interest in getting the product into the market. Between 1903 and 1913, the company built two saloons and five store-and-flats buildings with a saloon on the ground floor. Several more store-and-flats buildings went up in the ensuing five years. Added to those already in place from the Stahlmann or North Star operations, the Schmidt saloons gave the brewery a ubiquitous presence in the city's neighborhoods. Bremer was also instrumental in melding the widespread clientele into a distribution network spread through the two Dakotas, Montana, western Wisconsin, and Iowa.<sup>15</sup>

The regional success of the Schmidt Brewing Company is the more remarkable for the aggressive marketing efforts of the brewing giants in Milwaukee and St. Louis. At the turn of the century, Schlitz expanded its Lowertown warehouse and began selling itself as the "beer of civilization," a snipe at breweries in an upstart prairie town. Responding to Schmidt's increasing share in regional markets, both Schlitz and Anheuser-Busch invaded Uppertown after the turn of the century, the former building a large warehouse on W. Seventh and Ramsey Street and the latter putting up a mammoth \$35,000 facility and stable at the foot of Chestnut street (all of these buildings demolished). Yet Schmidt and Bremer marched on, annexing a large racking house wing to the west of the brew house in 1908, continuing to extend the production capacity of the stock house over the next five years, upgrading the fermentation equipment in 1913-14, and expanding the brewery property to the east side of Oneida to build a new bottle works in 1916 (property number 2).<sup>16</sup>

In spite of the incremental breakup of Stahlmann's holdings and Schade's beer garden on the other side of West Seventh Street, the three blocks immediately north of the brewery remained very much a brewery neighborhood. On the Stahlmann block, both the Stahlmann houses remained intact, and two additional houses were built by a retired Stahlmann brewer at the turn of the 20th century. The beer garden converted to residential use and remained in the hands of the brewery. The second of the two houses that went up on it was built for master brewer John Aubele. Even Stahlmann's stable managed to survive the conversion to truck transport, as it was rolled into the Delivery Vehicle Complex.

Bremer's aggressive marketing and a savvy master brewer helped to keep the brewery alive during Prohibition. Hundreds of breweries nationwide were unable to retain enough sales of soft drinks or "near beer" to remain afloat. But Schmidt's brewers came up with a formula that retained much of the flavor of the old. Named "Schmidt's Select," it was so successful that the

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14 Paul Clifford Larson, "Schmidt Brewery Designation Study" (unpublished, 2005), 4; Stanley Baron, *Brewed in America: A History of Beer and Ale in the United States* (Boston: Little, Brown, and Co., 1962); Paul Clifford Larson, Draft NRHP nomination for Grain Belt Brewery, Minneapolis. (Unpublished, 1986).

15 The saloons prior to 1913 were found by an owner-index search of building permits; as the owner indexes stop at that date, later saloons have to be found by a physical search, e.g., by looking for old Schmidt signs.

16 P. Larson, *Designation Study*, 4.

public returned to the Schmidt's brand, and the plant was able to resume full production on shifts working through the night.<sup>17</sup>

At the end of Prohibition in 1933, the brewery endeavored to regain its strong regional position, rebuilding the power plant to accommodate the transition to electricity and introducing an expanded kegging operation that would vie with bottle production. For the brew house complex, management chose to defy the current antipathy toward "Victorian" building, and meld the modifications into the original design fabric, with a new malt house of seven stories and a new stack twice as tall as the 1902-03 original. The Moderne style was adopted for a new office building (property number 3), the expansion of the racking house, and a detached keg house (property number 4). By the end of this construction phase, the Jacob Schmidt Brewing Company had risen to seventh place among American beer producers, in part because of the absorption of its peers in size into the giants in Milwaukee and St. Louis.

The 1930s also brought a great expansion of the Delivery Vehicle Complex (property number 11) on the north side of West Seventh Street. When trucks were introduced in the 1910s, they were housed in a garage on Webster, across the street from the brew house. The construction of the Keg House required this garage to be demolished, leading to the erection of a mammoth new garage on Toronto Street. Occupying nearly half a city block, it wrapped around the old boarding stable (by then a machine shop) at the corner of Toronto Street and Jefferson Avenue, joining it to the brick stable facing Webster Street and forming a continuous brick wall on Jefferson. All the old buildings were converted to maintenance and storage. Around the same time, the brewery began to use Schade's old saloon-and-flats south of the stable as a company store and carpentry shops. The last remnant of Frederick Schade's little world on West Seventh, it was erroneously identified as "Stahlmann's saloon" (the long-gone frame building across the street) at the time of its demolition in 1960.

Walter W. Magee was the architect for all (and contractor for most) of the post-Prohibition brewery rebuilds and expansions except the office building, whose design fell to a local resident, former City Architect Charles Hausler. Magee's additions to the most visible components of the main complex in 1934-36 flowed seamlessly from Barthel's work. In addition, his design of outlying parts of the brewery, in particular the racking house, keg house, and truck garage are unusually complete statements of a Moderne sensibility for industrial buildings in St. Paul. They manage to be sensitive to, and sometimes faintly echo, the design of the main complex, while expressing both a more modern aesthetic and the increasing concern with diminished or filtered light into racking and storage spaces rather than the flood of light permitted by the earlier fenestration schemes.

Another period of nationwide industry consolidation after World War II, spurred by the aggressive marketing of national brands, again posed a threat to regional brewers. But Schmidt Brewing Company continued to expand, with a new stock house at the rear of Stahlmann's old malt houses, a new concrete malt elevator at the rear of the stock house, and three new bottling machines with a capacity of 250 bottles per minute, or the equivalent of 40 barrels per hour. This contrasted with the 6½ barrels of bottled beer per day produced by the Schmidt Brewing

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17 Description of plant operations and production in this and the following two paragraphs is taken from "Your Visit to the Jacob Schmidt Brewing Co.," 4-5.

Company at its inception in 1901. By 1951, brewery production reached 750,000 barrels and the company employed 500 people.

#### **AFTER THE PERIOD OF SIGNIFICANCE (1956-2004)**

After Otto Bremer, the last of the Bremer brothers, died in 1951, the company struggled on for a few years, finally yielding to consolidation on January 1, 1955. Operating as the Jacob Schmidt division of Pfeiffer Brewing Company of Detroit, the brewery undertook only minor remodelings and upgrades before it was sold once again in 1972, this time to the G. Heileman Brewing Company of La Crosse, Wisconsin. Heileman expanded the facility with a number of major alterations and additions between 1978 and 1984. In 1991, Heileman sold the plant to Minnesota Brewing Co., and the operation shrunk to a microbrewery, making beer under contract for Dakota Brewing Company, Black Mountain Brewing Company, and Pride Brewing Company. In the face of substantial annual losses, in 1998 the MBC began planning to utilize some of the plant for ethanol production, with Gopher State Ethanol running the non-brewery side. Ethanol production began in 2002, and the split operation lasted until 2002, when the MBC filed for bankruptcy and ceased production, ending 144 years of brewing at the site. The ethanol plant closed in 2004.

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

**JACOB SCHMIDT BREWING COMPANY HISTORIC DISTRICT  
HERITAGE PRESERVATION SITE DESIGNATION**

**WHEREAS**, Chapter 73 of the Saint Paul Legislative Code directs that the Heritage Preservation Commission (HPC) shall recommend to the Mayor and City Council area and buildings which the HPC has reason to believe are eligible for designation as heritage preservation sites; and

**WHEREAS**, the Jacob Schmidt Brewing Company Historic District is located in the Fort Road/West Seventh neighborhood and is roughly bounded by Jefferson Avenue on the north, Oneida and Erie Streets on the east, James Avenue on the south, and Toronto Street on the west, excluding a small triangle enclosed by West 7th Street, Palace Avenue, and Toronto Street. The historic district encompasses 54 acres of land in an area of mixed residential, commercial, and light industrial. Extant buildings and structures historically involved in beer production and packaging are confined to the south side of West Seventh Street and an additional seven historic properties are north of West Seventh Street; and

**WHEREAS**, the historic district contains 15 contributing properties and 11 noncontributing properties and has a high degree of integrity, retaining all of its key buildings from the Schmidt-Bremer era of 1901-1955 and fragments of buildings from the Stahlmann era preceding Schmidt. The Period of Significance for the historic district is from 1858 to 1955 and spans the ownership of the Stahlmann, Schmidt, and Bremer families, when the brewery's historic buildings were erected; and

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_



**WHEREAS**, several of the brewery buildings were identified in the 1983 Historic Sites Survey of Saint Paul. A thematic National Register Nomination for brewery related buildings was also prepared and the buildings were listed as eligible for designation in the final report. In a letter dated February 3, 2005 from the Minnesota Historical Society (MHS) the Jacob Schmidt Brewing Company site was determined eligible for nomination to the National Register of Historic Places under National Register Criteria A, B and C. In 2005, the West 7<sup>th</sup>/Ft. Road Federation commissioned Paul Clifford Larson to complete a Designation Study which further established the architectural significance of the brewery site, recommended boundaries for the district and also examined the larger context of brewery development. In a letter dated April 13, 2010, Council Member Dave Thune, formally requested the St. Paul HPC initiate a process to locally designate the now-abandoned Schmidt Brewery. On May 13, 2010, the HPC voted to initiate the designation process for the potential historic district. The HPC received a \$7,000 Historical and Cultural Heritage Grant from the Arts and Cultural Heritage Fund administered by the Minnesota Historical Society and Paul Clifford Larson was retained to complete the local designation form and assist in the preparation of the Preservation Program for the district; and

**WHEREAS**, as required by Legislative Code 73.05 (b), the Heritage Preservation Commission has requested that the Planning Commission review the proposed designation and comment on the following: 1) the relationship of the proposed designation to the Comprehensive Plan; 2) the effect of the proposed designation on the surrounding neighborhood; and 3) any other planning considerations, along with a recommendation for approval, rejection, or modification of the proposed designation; and

**NOW, THEREFORE, BE IT RESOLVED** that the Saint Paul Planning Commission finds the following regarding the proposed Jacob Schmidt Brewing Company Historic District designation:

**1. Relationship of the proposed designation to the Comprehensive Plan.**

The proposed designation of the Jacob Schmidt Brewing Company Historic District is generally consistent with the goals and objectives of the Comprehensive Plan. Specifically, the Historic Preservation Chapter recognizes that heritage preservation has been used effectively in Saint Paul as a tool for community development and revitalization (Strategies HP 3.11, 3.12, 4.3, 5.3 and 5.9). The Land Use Chapter identifies this area as an opportunity site (LU1.54) and a future Neighborhood Center (LU1.11). The Land Use Chapter further encourages promoting places that emphasize the special identity of individual Neighborhood Centers (LU1.17).

**2. Effect of the proposed designation on the surrounding neighborhood.**

Designation would have a positive effect on the surrounding properties, both residential and commercial, and act as an anchor for redevelopment in the Ft. Road neighborhood. Having design review guidelines will help to insure the district develops while maintaining its architectural and historical character over the long term.

**3. Other planning considerations and recommendation for approval, rejection, or modification.** The West 7<sup>th</sup>/Fort Road District 9 Area Plan (adopted by the district council in 2006) and the plan summary (adopted by the City on July 7<sup>th</sup>, 2010) highlight a strategy to pursue local and National Register designation of the Schmidt Brewery buildings.

**FINALLY, BE IT RESOLVED,** that the Saint Paul Planning Commission supports the designation of the Jacob Schmidt Brewing Company Historic District as a Saint Paul Heritage Preservation Site and finds that the designation is consistent with the Comprehensive Plan.



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6562  
Facsimile: 651-228-3314

**Date:** February 23, 2011  
**To:** Planning Commission  
**From:** Neighborhood Planning Committee  
**RE:** Tobacco Shop Zoning Study

### **Introduction**

On May 12, 2010, the City Council adopted Resolution 10-496, enacting a moratorium on the issuance of zoning permits or approvals (including site plans, lot splits, or plats), building permits, and occupancy certificates for any tobacco shop, and directed the Planning Commission to study the present zoning regulation of tobacco shops and, if needed, recommend amendments to the present zoning regulations and official controls.

On August 11, 2010, follow-up interim ordinance 10-777 was adopted. It specifically referenced the growing number of businesses, called "hookah lounges," "hookah bars," "hookah cafés," etc. that are being licensed as tobacco shops and offer "sampling" of tobacco products smoked in hookah pipes. The ordinance also noted that using a water pipe does not lessen the adverse health effects of smoking tobacco products.

### **Regulatory Background**

The Minnesota Clean Indoor Air Act was adopted in 1975. It prohibited smoking in many indoor places. In 2007, the Freedom to Breathe Act expanded the previous act in order to more fully protect employees and the public from the health hazards of secondhand smoke, and it extended the smoking prohibition to nearly all indoor places (MN. Statutes Sec. 144.411-144.417).

MN Statutes Sec. 144.4167, Subd. 4 allows an exemption for "sampling" of tobacco products in tobacco products shops. While a definition of "tobacco products shop" is provided, the term "sampling" is not defined in the statute. However, it does permit local units of government to adopt more stringent regulations regarding exposure to secondhand smoke and to regulate outdoor smoking as well.

Sec. 144.4167 PERMITTED SMOKING. Subd. 4. Tobacco products shop states:  
Sections 144.414 to 144.417 do not prohibit the lighting of tobacco in a tobacco products shop by a customer or potential customer for the specific purpose of sampling tobacco products.  
*For the purposes of this subdivision, a tobacco products shop is a retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a*

*tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license. [Emphasis added]*

Saint Paul's zoning code permits a "tobacco shop" as a retail sales and service use in all mixed use, commercial and industrial districts except the OS Office-Service and the TN1 Traditional Neighborhood districts. The code does not include a land use definition of a "tobacco shop," nor are there any standards and criteria for the use.

Tobacco shops are also required to obtain a City tobacco sales license and are regulated under Chapter 324. In most cases, businesses with a retail tobacco sales license either have another primary purpose and sale of tobacco products and related goods is accessory to the principal use, or the sales are for purely off-premises consumption.

Amending the zoning code would enable the City of Saint Paul to differentiate between businesses whose primary purpose is to sell tobacco and tobacco-related products and that may offer product sampling and the majority of businesses that sell tobacco and tobacco-related products as only a portion of their more general commercial/retail business (e.g. grocery stores, convenience stores, bars and restaurants, etc.). The Department of Safety and Inspections is also reviewing the license regulations relative to the operation of these businesses and will be proposing amendments to Chapter 324 as needed.

#### **Committee Recommendation**

1. Amend Chapter 65 to include a definition of *tobacco products shop* consistent with state statute and to distinguish these shops from other businesses where tobacco sales are not the primary use.
2. Establish standards and conditions for the use that provides for planning commission review of larger facilities in the BC and TN2 zoning districts, consistent with the requirement for other types of uses.

#### **Proposed Zoning Text Amendments**

##### Sec. 65.535. Tobacco products shop.

A retail establishment with a principal entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

[The new definition is the same as that in Minnesota Statutes and will maintain consistency with state and local regulation.]

##### Standards and conditions:

In the BC community business (converted) and TN2 traditional neighborhood districts, a conditional use permit is required for tobacco products shops with a floor area greater than 2,500 square feet.

[These uses are called out as potential exceptions to the general indoor smoking ban in Minnesota and are therefore likely to draw customers from a larger area than other types of neighborhood-oriented businesses.]

# Tobacco Shop Zoning Study

Page 3 of 3

Requiring a conditional use permit for larger tobacco products shops is consistent with the intent of the BC district to “permit the operation of businesses which do not generate large amounts of traffic...”and the TN2 district to “foster compact, pedestrian-oriented commercial...development” and encourage a variety of uses. No existing business would be affected by this requirement.]

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	TN1	TN2	TN3	Development Standards
Tobacco <u>products</u> shop		P/ <u>C</u>	P	✓ <input type="checkbox"/>

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Development standards
Tobacco <u>products</u> shop		P	P/ <u>C</u>	P	P	P	P	✓ <input type="checkbox"/>

Table 66.521. Principal Uses in Industrial Districts

Use	IR	I1	I2	I3	Development Standards
Tobacco <u>products</u> shop	P	P	P		✓

[These uses are called out as potential exceptions to the general indoor smoking ban in Minnesota and are therefore likely to draw customers from a larger area. Permitting them in commercial and industrial districts that are intended to draw from a larger area than the immediate neighborhood limits potential traffic impacts on the B1 district, which is intended to serve “the convenience shopping or service needs of persons residing in nearby residential areas.”]

# Licensed Tobacco Shops

## Legend

Tobacco Shops

1/2 Mile Distance

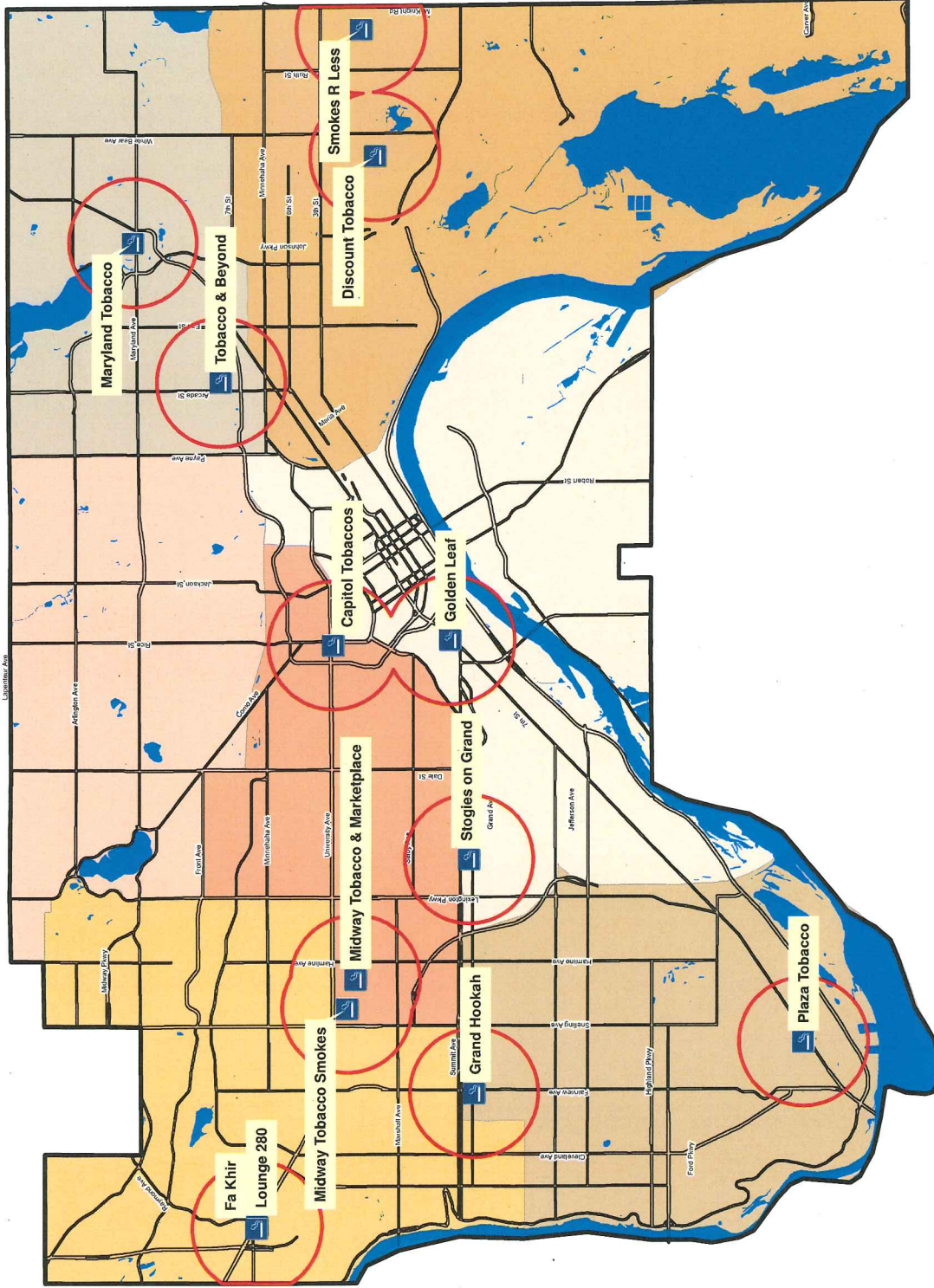
City Council Ward

- Ward 1
- Ward 2
- Ward 3
- Ward 4
- Ward 5
- Ward 6
- Ward 7



This drawing was prepared for the use of the Saint Paul Planning and Development Department. It is not a legally recorded plan, survey, official tax map or engineering schematic and it is not intended to be used as such.

Prepared: February 10, 2011



city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, On May 12, 2010, the City Council adopted Resolution 10-496, enacting a moratorium on the issuance of zoning permits or approvals, building permits, and occupancy certificates for any tobacco shop, and directed the Planning Commission to study the present zoning regulation of tobacco shops and, if needed, recommend amendments to the present zoning regulations and official controls and adopted follow-up interim ordinance 10-777 on August 11, 2010; and

WHEREAS, Minnesota Statutes prohibit smoking in most indoor places, with an exception for sampling of tobacco products in a *tobacco products shop*, which is defined; and

WHEREAS, Saint Paul's zoning code permits a "tobacco shop" as a retail sales and service use in all mixed use, commercial and industrial districts except the OS Office-Service and the TN1 Traditional Neighborhood districts but does not include a land use definition of a "tobacco shop," or set standards and criteria for the use; and

WHEREAS, Amending the zoning code would enable the City of Saint Paul to differentiate between businesses whose primary purpose is to sell tobacco and tobacco-related products and that may offer product sampling and the majority of businesses that sell tobacco and tobacco-related products as only a portion of their more general commercial/retail business;

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends that the City Council amend Chapter 65 to include a definition of *tobacco products shop* consistent with state statute and establish standards and conditions for the use that provide for planning commission review of larger facilities in the BC and TN2 zoning districts, consistent with the requirement for other types of uses as set forth in the attached proposed amendment.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

## **Tobacco Product Shop Zoning Amendments**

An ordinance amending the Legislative Code, Chapter 65, land use definitions and development standards, and Chapter 66, zoning district uses, pertaining to tobacco products shops.

**WHEREAS**, On May 12, 2010, the City Council adopted Resolution 10-496, enacting a moratorium on the issuance of zoning permits or approvals, building permits, and occupancy certificates for any tobacco shop, and directed the Planning Commission to study the present zoning regulation of tobacco shops and, if needed, recommend amendments to the present zoning regulations and official controls; and

**WHEREAS**, Minnesota Statutes prohibit smoking in most indoor places, with an exception for sampling of tobacco products in a *tobacco products shop*, which is defined; and

**WHEREAS**, the zoning code permits *tobacco shop* as a retail sales and service use in all mixed use, commercial and industrial districts except the OS office-service and TN1 traditional neighborhood districts, but does not define *tobacco shop* or provide any special standards and criteria for the use; and

**WHEREAS**, amending the zoning code to define *tobacco products shop* consistent with state statutes would differentiate between businesses whose primary purpose is to sell tobacco products that may offer product sampling and the majority of businesses that sell tobacco and tobacco-related products as only a portion of their more general commercial/retail business; and

**WHEREAS**, the City Council conducted a public hearing on the proposed tobacco product shop amendments, at which all interested parties were given an opportunity to be heard, notice of which was published in the *Legal Leger* and was mailed to the City's Early Notification System;

**THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN:**

### **Section 1**

That Legislative Code Chapter 65, Land Use Definitions and Development Standards, is hereby amended as follows:

#### **Sec. 65.535. Tobacco products shop.**

A retail establishment with a principal entrance door opening directly to the outside that derives more than ninety (90) percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

Standards and conditions:



In the BC community business (converted) and T2 traditional neighborhood districts, a conditional use permit is required for tobacco products shops with a floor area greater than two thousand five hundred (2,500) square feet.

## Section 2

That Legislative Code Chapter 66, Zoning District uses, Density and Dimensional Standards, is hereby amended as follows:

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	TN1	TN2	TN3	Development Standards
Tobacco products shop		P/C	P	✓

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Development standards
Tobacco products shop		P	P/C	P	P	P	P	✓

Table 66.521. Principal Uses in Industrial Districts

Use	IR	I1	I2	I3	Development Standards
Tobacco products shop	P	P	P		✓

## Section 3

This ordinance shall become effective thirty (30) days after its passage, approval and publication.



**CITY OF SAINT PAUL**  
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**Date:** February 25, 2011  
**To:** Planning Commission  
**From:** Neighborhood Planning Committee  
**Subject:** Public Hearing Testimony and Recommendations on Sign Regulation Issues and Proposed Amendments in Response to City Council Request

### **Background.**

In the course of the 2009 adoption process for the amendments to Chapter 64 regarding signs with dynamic display (Council File 09-1015), several related issues came to the attention of the City Council. When it was determined that these issues were outside the scope of the signs with dynamic display public hearing process, the City Council chose to pass a resolution requesting that the Planning Commission undertake further study of those issues. These issues include: measurement of double-faced and V-shaped sign area, permitted illumination level, regulation of window signs, number and size of exterior banners, and permitted exemptions for signs of city, county, state, and federal governments that provide public information.

The Planning Commission held a public hearing on proposed regulations stemming from a City Council requested study of sign issues on April 23, 2010. Ten people spoke offering their testimony on the proposed regulations. In addition, five letters were received. This memo summarizes the five study issues, existing regulation, public testimony received, and analysis and research on those issues. It also presents comments and recommendations for the Committee to consider as it makes its recommendation on the five study issues and proposed amendments to Chapter 64, Signs, of the zoning code.

### **Overview of public hearing testimony.**

The testimony focused on two of the five issues included in the study of sign issues: permitted illumination level for signs and internal window signs oriented toward pedestrian and motor traffic in public right-of-way. There was no testimony on the other three study issues.

### **1. Double-faced and V-shaped sign measurement.**

#### Summary.

Chapter 64 sign regulations count only one side of a double-faced sign or V-shaped sign toward the surface area of a sign. Chapter 64 also mandates that the sign faces on double-faced or V-shaped signs be separated by no more than eight-feet or a thirty-five degree (35) angle. This regulation is in accord with what most communities that have specific provisions addressing the measurement of double-sided or V-shaped signs do. Generally, back-to-back, parallel signs not separated by more than a few feet are treated as a single sign for purposes of measuring area. This same principle often applies to V-shaped signs as long as the angle between the signs does not exceed some fixed measure (often 45 degrees). Because they are in accord with other municipalities throughout the country, the Chapter 64 regulations pertaining to measurement of double-faced sign and V-shaped sign area should not be amended.

Existing regulations.

*64.401. All Signs.*

- (f) All signs with the display surfaces back-to-back and parallel shall have no more than an eight-foot distance between each surface. All signs with the display surfaces at an angle to one another shall have the angle no greater than thirty-five (35) degrees. Display surfaces shall face in opposite directions and shall be owned by the same permittee.
- (m) Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.

Testimony.

There was no testimony on this issue.

Research and analysis.

Most municipalities count only one side of a parallel or V-shaped sign toward the total allowable sign area. The ordinances in Columbia (Illinois), Duluth, Portland (Oregon), Racine (Wisconsin), and Raleigh (North Carolina) all state that only one side of a double-sided or V-shaped sign should be counted toward the area. Other cities introduce the caveat that only one side of a V-shaped sign should be counted if the distance between the two faces is no greater than a certain amount. Bend (Oregon) and Mesa (Arizona) both use two feet as this standard, while Outagamie County (Wisconsin) uses 42 inches. More commonly, the distance permitted between the sign faces is measured in degrees: if the angle between sign faces is a certain number of degrees or less than only one face of the sign is counted. Cities that use degrees include Cary (North Carolina), Chicago (IL), Marshfield (Wisconsin), Minneapolis, Sandy (Utah), St. Louis (Missouri), and Wilmette (Illinois). The degrees permitted in these municipalities range from 30 to 60. While uncommon, there are a few municipalities that count both sides of V-shaped signs toward the permitted sign area, regardless of the distance or angle between them, including Carpentersville (Illinois), Panama City (Florida), and South Saint Paul.

Recommendation.

No change to the existing regulations.

## **2. Regulation of interior window signs.**

Summary.

Chapter 64, Signs, does not currently regulate signs inside of buildings. While some communities regulate the percentage of windows that can be devoted to signage (often distinguishing between permanent and temporary window signage), consistent, evenhanded enforcement of such regulation would require initiating a permitting process for interior window signs, the costs and difficulties for which are described in the "research and analysis" section below. The benefits of new regulations must be weighed against the difficulty and cost of administering and enforcing them.

Existing regulations.

There are currently no general regulations for interior signs in Chapter 64 of the Zoning Code. The Grand Avenue special district sign plan referenced in § 64.745 of Chapter 64 addresses interior window signs in an educational, non-regulatory way:

Window signs, including temporary window signs, should not exceed 30% of the store window glass area. The lettering of the business name should not exceed twelve (12) inches in height. The lettering for other information should not exceed one inch in height.

Temporary window signs add to visual clutter and should be used only to advertise the property for sale, rent, or lease, or for specific short-term sales for no more than three (3) nonconsecutive times per calendar year for a period of not more than thirty (30) days per time. Old paper signs are easily associated with "going out of business" sales.

Testimony.

*Safety and Aesthetics.* Ossian Or, Jeannie Weigum, Saint Anthony Park Community Council, and Union Park District Council all submitted testimony asserting the safety and aesthetic detriment that unregulated window signs can have, particularly with consideration to signs with dynamic display. The latter three testimonies urged the City to forego the permitting process the proposed recommendation was predicated upon. They indicated that the City could create regulation about the maximum percentage of a window to be covered and enforce these regulations on a complaint basis.

*Content.* Ms. Rossie Anderson-Howze (Mothers Against Tobacco Use) pointed out that interior window signs are used to advertise cigarettes, among other things, and that they are located on establishments catering to those of low socio-economic status, given the additional presence of EBT and WIC signs. She urged the City to eliminate signs advertising tobacco and alcohol use and instead promote signs that advertise the presence of healthy food products, such as eggs and vegetables, in corner stores.

#### Research and Analysis.

The issue of whether sign regulations should be applicable to interior window signs has been raised previously (in a 2002 zoning case [ZF#02-127-081] and the 2009 public hearings on signs with dynamic display), the decision making bodies affirming that Chapter 64 sign regulations do not regulate interior window signs. Initiation of new interior window sign regulations would involve significant challenges.

Amendments to the Zoning Code are not retroactive; existing interior window signs would not be subject to new regulation. However, interior window signs have never required permits. Without permits there is no record of what interior window signage already exists and under state law could indefinitely be replaced, and what new signage would need to comply with the new regulations.

For exterior signage, business owners are often made aware of sign regulations and permit requirements by professional sign contractors, who are needed for installation of exterior signage. The installation of interior window signs does not necessitate the assistance of a professional. Therefore, enforcement of window sign regulations would more often occur on a complaint basis, and fair, consistent enforcement of interior window sign regulation applied throughout the city would be expensive and challenging. Any reasonable level of consistent, evenhanded enforcement of interior window sign regulations, percentage of window area covered, temporary window signs, illumination of window signs, etc., would be predicated upon a successful permit process. The additional permit fees for window signs would tend to hit small, neighborhood businesses (which often use window signs as an inexpensive way to draw customers) the hardest, in conflict with City efforts to encourage the opening and retention of small businesses.

General funds would need to be budgeted to cover part of the cost of additional City staff to administer new window sign regulations, which would not be fully covered by the \$70 minimum sign permit fee. If new regulations cover all interior window signs, the number of permits expected for interior window signage is anticipated to be twice that of exterior signage, or about 630 permits annually. Previously, the sign regulations were administered by 1 FTE, which is now down to .7 FTE due to budget constraints. The responsibilities for this position include issuing sign permits, investigating sign complaints, enforcing sign violations and providing information about sign regulations to businesses and institutions desiring signs. To also enforce new regulation of all interior window signage, the City would need to hire or re-allocate 1 FTE. The salary, fringe benefits, and associated operating costs for an entry-level Inspector II position would be \$74,651 per year.

New regulation of all interior window signs would be fairly costly to administer and enforce relative to the benefit. City-wide regulation of interior window signs might focus only on dynamic display signs, the type of window signs with the greatest potential to be distracting and affect public safety. The definition of “*sign with dynamic display*” should be amended to make it clear that simply being able to turn an electric sign on and off does not make it a sign with dynamic display. Then, if regulation of interior window signs were limited to signs with dynamic display, the number of signs and the cost of administration and enforcement would be more limited. But it would still involve some of the difficulties and added costs to businesses and the city noted above, which need to be weighed against the benefits.

The only complaints the Department of Safety and Inspections has received about window signs are from the Downtown area; adding provisions for window signs to the downtown area special district sign plan like those in the Grand Avenue special district sign plan may be a more appropriate way to address this issue than creating new regulations for all interior window signage throughout the city.

Federal law requires that sign regulation must remain content-neutral. The City cannot legally dictate what content is permissible on signs.

Recommendation.

Amend the definition of “*sign with dynamic display*” to make it clear that simply being able to turn an electric sign on and off does not make it a sign with dynamic display. Do not extend sign regulations to interior window signs.

**3. Permitted illumination level for signs.**

Summary.

The current standard for maximum permitted light trespass (for all types of lighting, including signs) is three footcandles measured at the residence district boundary. In 2009, the maximum illumination level permitted for signs with dynamic display was reduced to three-tenths footcandles above ambient light level as measured 50 feet from the sign's face. This works for dynamic signs that have an automatic dimmer that controls the sign's brightness based on ambient light level. But a 0.3 footcandle standard may not work as well for traditional signs that don't have such a dimmer.

Existing regulations.

Chapter 63 of the Zoning Code contains regulations of general applicability. *Section 63.116 Exterior lighting* includes the following lighting standard:

- (a) All outdoor lighting in all use districts, including off-street parking facilities, shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences in such a way as not to exceed three (3) footcandles measured at the residence district boundary.

The current language in § 63.116 was adopted by Ordinance #16799 in 1981 as part of a study on site plan review. There is no additional information contained in the City files regarding the justification at that time for the lighting standards. Since that time, the Department of Safety and Inspections (DSI) has enforced the standards on a complaint basis. Concern was expressed about the 3 footcandle standard a few years ago when residents across from the Bremer Bank building complained that the sign on top of it, which went up in 2005, was too bright and adversely affected their sleep. DSI staff visited the site in response to the complaint. While they found the light appeared quite bright, it did not exceed the 3 footcandle standard.

For reference, a footcandle is a standard unit of measure that is equivalent to the light received in a 1 foot radius of a candela. Full light on a sunny day is around 10,000 footcandles, and shade is closer to 100 footcandles. Indoor light is generally about 5-10 footcandles, and 10-50 footcandles in particularly well-lit areas.

Testimony.

*Level of illuminance<sup>1</sup> and technical.* Much of the testimony regarding permitted illumination level focused on the appropriateness of the proposed 0.3 footcandle standard measured 50 feet from the sign's face from a technical perspective. These concerns touched on the number of footcandles, the point at which the measurement was taken, whether standards should vary by zoning district, the technical capacity of traditional signs to accommodate those standards and the safety and legibility implications of those standards. The nature of the testimony on each of these areas is summarized below.

*Footcandles.* Mr. Ken Peskin (International Sign Association) and Mr. Greg Randal (Minnesota Sign Association) urged the City of Saint Paul not to adopt a stricter standard than already exists. The Business Review Council urged the City to maintain its current standards. Mr. Peskin stated that sign brightness should not be regulated more than other forms of illumination, and that other codes except signs from exterior lighting standards.

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<sup>1</sup> Illuminance is the amount of light from the a sign landing on a distant surface. It is measured in footcandles (fc) or lux.

*Point of measurement.* Ms. Ginny Harris (CapitolRiver Council Sign Study Task Force) supported changing the point of measurement to the window of a residential property instead of 50 feet from the sign's face. Mr. Ken Peskin (International Sign Association) advocated for lighting expert Dr. Ian Lewin's recommendation to measure 100 feet from the sign's face.

*Legibility.* The Saint Paul Area Chamber of Commerce addressed concerns about legibility, testifying that signs conforming to the proposed regulation would be virtually invisible unless a person is directly in front of them.

*Standards by district.* Ms. Ginny Harris (CapitolRiver Council Sign Study Task Force), Mr. Bill Huepenbecker (RiverCentre), and Mr. Ken Peskin (International Sign Association) all advocated that standards should be different in different zoning districts. The International Sign Association specifically cited the IESNA TM-11-00 Light Trespass Research, Results, and Recommendations' 0.3 footcandle standard is for residential and 0.8 footcandle standard for commercial districts.

*Technical capacity.* Mr. Ken Peskin (International Sign Association) and Mr. Greg Randal (Minnesota Sign Association) pointed out that traditional signage has technical limitations that make the illumination level more difficult to adjust, specifically, traditional signage can be turned on or off, and cannot be dimmed. Mr. Peskin stated that the way to accomplish accommodating proposed regulations with existing traditional signs would be to reduce efficiency or do expensive retrofit.

*Safety.* Saint Paul Area Chamber of Commerce testified that reducing the permitted illumination level would cause a safety issue because signage provides supplemental illumination on dark streets.

*Economic.* Paul Richards (union business agent) opposed the proposed regulations and testified that lowering the permitted illumination level would cause layoffs. Matt Anfang (BOMA) echoed these sentiments, citing a 20% vacancy rate in downtown already and emphasizing how signs help the economy. The Saint Paul Area Chamber of Commerce described the additional economic hardship for businesses with existing nonconforming signage needing major repairs and having to comply with new standards. The Business Review Council stated the proposed reduction in permitted illumination would be detrimental to businesses. The Saint Paul Area Chamber of Commerce testified that businesses won't use signs or locate in Saint Paul if the proposed illumination standard is adopted.

*Administration and Enforcement.* Saint Paul Area Chamber of Commerce and the Business Review Council expressed concern about the City of Saint Paul's capacity for enforcement, saying it was not possible to measure such a low standard. The Saint Paul Area Chamber of Commerce elaborated, expressing concern that nearly all signs would be nonconforming, and Julie Harris called for more study.

#### Research and analysis.

*Rationale.* Light pollution, excessive artificial lighting, can have adverse impacts on wildlife, human health, and the economy. It can upset the natural circadian rhythm of animals, which, in turn, can result in various problems including decrease in reproduction, increased exposure to predators, difficulty foraging, and light hypnosis, causing collisions, death, exhaustion, and disruption of natural migration paths (*Light Pollution and Wildlife*, International Dark Sky Association, 2008). Humans are not exempt from problems caused by disruption of the circadian rhythm due to light pollution. Light pollution can cause disability glare, decrease in melatonin levels, and sleep disorders, which in turn cause stress, depression, weight gain, and diabetes. The World Health Organization lists "shiftwork that involves circadian disruption" as a probable carcinogen. Overly bright light can mask intruders or create shadows in which they can hide (*Light Pollution and Human Health*, International Dark Sky Association, 2009). Light pollution means wasted light, estimated at 22,000 gigawatt-hours a year, an adverse impact on the economy and environment from unnecessary expenditures of energy (*Light Pollution and Energy*, International Dark Sky Association, 2009). Reducing the tolerance for light spillover into residential uses can help mitigate these adverse consequences by reducing light pollution.

*Footcandles, point of measurement, and technical capacity.* It would make sense for any additional illumination standards for signs to be comparable to those for signs with dynamic display in terms of the means and location of measurement. Contemporary signs often have dynamic portions and traditional illumination, and standards that are too different would complicate enforcement. The existing point of illumination measurement (50 feet from the signs face) in the code for signs with dynamic display is based on a recommendation in an April 2009 peer-reviewed report titled "The Safety Impacts of the

Emerging Digital Display Technology for Outdoor Advertising Signs,” prepared under the auspices of the Highway Subcommittee on Traffic Operations of the American Association of State Highway and Transportation Officials (AASHTO), under the National Cooperative Highway Research Program. The report said that 50 feet is far enough to get a uniform measurement of a sign display, even for a large sign like a billboard, but because of the greater impact of ambient light at greater distances it recommended that measurements should not be taken at distances greater than 50 feet.

Signs with dynamic display typically contain a photocell which can read the ambient light level and adjust the illuminance of the sign, while traditional electronic signs do not typically have this capacity. Therefore, signs with dynamic display can more easily be precisely set to a particular brightness and adjusted if that brightness is out of conformance than signs without dynamic display. Consultation with sign manufacturers, including Daktronics, confirms that illuminance of traditional electronic signs can be adjusted (but not in response to changing ambient light levels) without an expensive retrofit through exchanging the light bulbs used for those of a lower wattage or by turning off the sign.

There was concern expressed in testimony for illumination standards that are not too out-of-step with those of other nearby cities. The standard in Minneapolis that applies to non-dynamic signage (the general standard for exterior lighting) is 0.5 footcandle at the residential property line and 5.0 footcandles for nonresidential property.

*Legibility.* A reading of 0.3 footcandle above ambient light level and higher taken 50 feet from a sign face generally permits legibility of the sign. A 0.3 footcandle standard generally works well for dynamic signs that have an automatic dimmer that controls the sign’s brightness based on ambient light level, but may not work as well for traditional signs that don’t have such a dimmer.

*Standards by district.* A number of Minnesota municipalities have different exterior lighting standards for permitted light levels measured at residential property lines, including Minneapolis<sup>2</sup>, Bloomington<sup>3</sup> and Minnetonka.<sup>4</sup> That can be complicated by an ever-changing mix of commercial and residential uses that are permitted in some zoning districts. Other municipalities have elected simply to have one illumination standard for the city that does not vary by zoning district or type of use, including Madison, WI.<sup>5</sup>

*Other municipalities.* LEED-NC, a standard from the U.S. Green Building Council, requires residential neighborhood projects to reduce light trespass at the property line to no more than 0.1 footcandle. Ann Arbor, MI, requires residential neighborhood projects to reduce light trespass at the property line to no more than 0.1 footcandle. In Citrus Heights, CA, “no outdoor lighting fixture shall be installed, aimed, or directed to produce light or glare that spills over into neighboring properties or the public right-of-way that exceeds 0.5 footcandles within two feet of the property line of the light source.” In Cotati CA, “no lighting on private property shall produce an illumination level greater than one (1.0) footcandle on any property within an RR, RVL, NL, NM, or NU zoning districts except on the site of the light source.” The general performance section of the Minneapolis Zoning Code states that “lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.”

*Current conditions in Saint Paul.* In January and February, 2011, city staff measured illuminance of existing signs for a variety of businesses in Saint Paul, downtown and in neighborhood commercial areas.

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<sup>2</sup> The exterior lighting standard in Minneapolis, which applies to signage, is that there may be no more than .5 foot candles of light trespass at the closest property line of any permitted or conditional residential use and 5 foot candles measured at the street curb line or non-residential property line.

<sup>3</sup> Bloomington’s ordinance specifies different regulations for different classes of sign districts. Certain zoning districts, including certain residential districts, have a standard that there is a minimum distance of 50 feet between the leading edge of the illuminated sign and an adjoining single-family residential lot. Other districts are held to a standard of 100 feet between the leading edge of any illuminated sign and an adjoining residential district boundary. For other classes of sign districts, illumination is simply permitted.

<sup>4</sup> The standard in Minnetonka is similar to that in Minneapolis: no light trespass beyond .5 foot candles at a abutting residential property line and one foot candle on any abutting commercial or industrial parcel.

<sup>5</sup> Madison’s outdoor lighting requirement permits a maximum allowable trespass of .5 horizontal foot candles four feet above the ground beyond ambient light level. Madison does, however, have other lighting specifications generally and for signage, that vary throughout the City, including whether the lighting can be direct or indirect.

Light levels were measured 50 feet from the sign face, both with signs on and with signs off in most cases. The table below outlines the locations of the signs and their illumination levels.

Business	Measurement w/ sign on (fc)	Measurement w/ sign off (footcandles)	Difference in footcandles
Aldi, 1131 University Ave.	1.2	0.7	0.5
Bennet's Chop and Rail House 1305 W. 7 <sup>th</sup> St.	2.7	0.4	2.3
Best Pawn (freestanding sign) 525 E 7 <sup>th</sup> St.	0.2	0.1	0.1
Best Pawn (wall sign), 525 E 7 <sup>th</sup> St	1.1	0.5	0.6
BP Como, 2102 Como Ave.	1.5	0.9	0.6
Erick's Bar, 949 E. 7 <sup>th</sup> St.	0.4	0.2	0.2
Grandview Theater (marquee) 1830 Grand Ave.	2.2	0.1	2.1
Health Partners Como Clinic (wall sign) 2500 Como Ave.	1.4	No one there to turn off the light	---
Health Partners Como Clinic (Urgent Care wall sign) 2500 Como Ave	0.4	No one there to turn off the light	---
Health Partners Specialty Center (Phalen Blvd. Sign), 435 Phalen Blvd.	0.6	0.4	0.2
Holiday 1445 W. 7 <sup>th</sup> St.	4.0	Couldn't figure out how to turn off light	---
Mancini's, 531 W. 7 <sup>th</sup> St.	1.1	0.6	0.5
Mobil Como, 2277 Como Ave.	0.8	0.1	0.7
Senor Wong's, 111 E. Kellogg Blvd.	2.4	2.4	0
Target (University Ave Sign) 1300 University Ave.	3.7	2.5	1.2
Tavern on Grand 656 Grand Ave.	1.3	Couldn't figure out how to turn off light	---
Walgreen's, 425 Wabasha St.	3.8	2.1	1.7
White Castle (pole sign) 1120 University Ave.	2.2	Couldn't figure out how to turn off light	---
White Castle (wall sign) 1120 University Ave.	1.6	Couldn't figure out how to turn off light	---

These measurements indicate that the lighting levels of typical business signs in Saint Paul are often significantly greater than the 0.3 footcandle above ambient light standard for signs with dynamic display.

*Safety.* While signage can add to the ambient light in an area, the purpose of signs according to the City of Saint Paul Zoning Code is to "show or advertise a person, firm, profession, business, product, or message," not to provide illumination in an area for the purposes of advancing public safety.

*Economic.* Many cities have an illumination standards below Saint Paul's current standard and have a thriving business community, including Portland, Oregon<sup>6</sup> and Minneapolis<sup>7</sup>.

<sup>6</sup> In Portland, signs are subject to the illumination standards for off-site impacts, which include the prohibition of glare in excess of .5 foot candles on other properties.

<sup>7</sup> Minneapolis' standard is .5 foot candles at residential property lines, which is below Saint Paul's current 3 foot candle standard.



*Administration and Enforcement.* The City of Saint Paul's light meter is the standard tool used to measure illuminance for signs that are not dynamic display.<sup>8</sup> Cited lighting expert Dr. Ian Lewin states in "Digital Billboard Recommendations and Comparison to Conventional Billboards" that a footcandle meter "recommendation is extremely simple to implement and requires only a footcandle (fc) meter to be used." Conversations with enforcement staff confirm that neighboring municipalities have a similar enforcement plan to use a light meter (reading in footcandles), including Minneapolis and Bloomington. For dynamic display signs, Minneapolis has a nit standard that is enforced by checking the programmed level directly on the sign and not conducting any external measurement.<sup>9</sup>

Under Minnesota law, existing signs made nonconforming by new illumination level standards would have legal nonconforming status and could be maintained and replaced indefinitely. Therefore, new illumination level standards would be very incrementally implemented. New illumination level standards high enough for traditional signs without special dimmers to be legible in changing ambient light conditions should not create significant hardship or problems for businesses. A 0.5 footcandle above ambient light level standard for residential districts is commonly used in other cities, with higher illumination levels allowed in other areas. But DSI has received few complaints about signs being too bright, and the cost of administering and enforcing a new standard that would make a large number of existing business signs nonconforming, including tracking legal nonconforming status, needs to be weighed against the benefit of a new standard.

#### Recommendation.

Amend Sec. 64.401(k) to limit illumination of signs in residential districts to a maximum of 0.5 footcandle above ambient light level as measured 50 feet from the sign's face.

#### **4. Number and size of exterior banners.**

##### Summary.

Currently, banners are generally permitted throughout the City, except in certain overlay districts. These banners, a type of temporary sign, are not to exceed one hundred twenty (120) square feet in area or be more in number than one (1) per twenty (20) feet of frontage. However, banners that are freestanding or wall signs cannot exceed a total of thirty-two (32) square feet. The Zoning Code would benefit from a study that would consider amendments regarding banner signs within the context of all temporary signs.

##### Existing regulations.

###### *Sec. 64.122. T.*

*Temporary sign.* A sign, flag, banner, pennant or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which is not permanently secured, and is intended to be displayed for a limited period of time only. Temporary signs may remain in place during the time of the construction of a building, during the time a building is offered for sale, rent or lease, until the closing date of sale, or until such building is leased or rented, or as otherwise regulated herein. A portable sign shall not be deemed to be a temporary sign.

###### *Sec. 64.419. Temporary and portable signs.*

- (a) *Dimensions:* No temporary sign shall exceed a total of one hundred (100) feet in area or six (6) feet in height except as otherwise provided herein.
- (d) *Cloth signs and banner:* In all zoning districts unless otherwise provided:

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<sup>8</sup> A call to the manufacturer's technical specialists confirmed that the light meter should continue to work properly without further calibration. The cost of calibration would be approximately one-half of the current \$79.00 selling price (Center Technology Corp.'s Digital Light Meter Item # Q3370).

<sup>9</sup> Minneapolis' nit standard has been adopted in nearby Eden Prairie and New Brighton and further-afield Duluth, among municipalities.

- (3) No cloth or banner sign shall exceed a total of one hundred twenty (120) square feet in area, and there shall be no more than one (1) such sign for any twenty (20) feet of frontage of any building fronting on public property.

Sec. 64.504(b)(4).

Temporary signs shall be permitted as follows:

- a. Banners, pennants and stringers.
- b. Freestanding and wall signs, the total area not to exceed a total of thirty-two (32) square feet.
- c. Such signs shall be permitted three (3) nonconsecutive times per calendar year for a period of not more than thirty (30) days per time or once per year for 90 days.

#### Testimony.

Mr. Bill Huepenbecker (RiverCentre) asserted that banners were an important tool for events promotion.

#### Research and analysis.

Cities surveyed that mention maximum banner size tend to included more restrictive maximums. Bend, OR, Cary, NC, and Sandy, UT all have a 32 sq. ft. maximum. Cincinnati limits them to 12 by 12 feet, and Miami Gardens, FL limits them to 50 sq. feet. These cities and others surveyed did not also include restrictions on the number of banners permitted. Minneapolis regulates commercial banners as signage and requires banners to comply with general sign regulations regarding area and number.

St. Paul currently has two different regulations for size which may be applied to banners, which fall on either side of the regulatory spectrum. According to Sec. 64.419, temporary banners may not be larger than 120 sq. feet. However, according to Sec. 64.504(b)(4), temporary banners that can be considered to be freestanding or wall signs may not exceed an area of thirty-two (32) sq. feet. The Zoning Code does not include a definition for banner signs. DSI has struggled with negotiating the permitting process for banner signs that could fall under either section. However, to change one section to make it more in accord with the other would have implications for temporary signage beyond the scope of banner signs. The Zoning Code is due for a substantial re-write re. temporary signs to address these and other issues.

#### Recommendation.

Request a Planning Commission study of all temporary signs.

### **5. Exemptions for signs of city, county, state and federal governments that provide orientation, direction, or traffic control information.**

#### Summary.

§ 64.401(l) permits these signs in all zoning districts, but does not exempt them from permits or other provisions. In practice, however, the City does not require permits for public traffic control or directional signs. The provision in § 64.401(l) seems simply to be misplaced and belongs in § 64.204 Exemptions.

#### Existing regulations.

Sec. 64.401(l)

Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be permitted in all zoning districts.

#### Testimony

There was no testimony on this issue.

#### Recommendation.

Amend Sec. 64.204, Exemptions, to make it clear that signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information are exempt from permits and other requirements of Chapter 64, consistent with current practice.

**Recommended Amendments.**

**Sec. 64.121. S.**

*Sign with dynamic display.* Any sign capable of displaying words, symbols, figures or images that can be electronically or mechanically moved or changed by remote, automatic, or electronic means, but not including being turned on and off. Signs providing only time and/or temperature information are not considered to be signs with dynamic display for regulatory purposes.

**Sec. 64.203. Permits.**

A permit shall be required for all exterior signs visible from a public right-of-way.

- (a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain . . .

**Sec. 64.204. Exemptions.**

- (a) Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be exempt from the requirements of this chapter.
- (b) The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.
- (1a) The changing of the message on the display surface of signs that are designed to have changeable copy.
- (2b) Signs six (6) square feet or less in size area.
- (3e) Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.
- (4d) Political signs.
- (5e) Sports facility sponsorship signs.

**Sec. 64.401. All signs.**

No person shall place, erect or maintain a sign, nor shall a lessee or owner permit property under his control to be used for such a sign, which does not conform to the following requirements and without first obtaining the requisite permit for such sign. The following provisions shall apply in all zoning districts, and to all exterior signs visible to the general public from a public right-of-way.

- (a) No sign or sign structure shall . . .
- ...
- (k) *Illumination.* Illuminated signs are permitted, except that flashing signs are prohibited. In residential districts, no sign may exceed a maximum illumination of 0.5 footcandle above ambient light level as measured fifty (50) feet from the sign's face.
- (l) ~~Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be permitted in all zoning districts.~~
- (lm) Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.
- (mn) Canopy signs that are parallel to the street shall be regulated as . . .
- (ne) If a building will contain multiple uses, a comprehensive sign program shall . . .
- (op) Signs attached to buildings shall be positioned so . . .

**Options for possible amendments considered by the committee but not recommended.**

Illumination – option for language not recommended.

The Neighborhood Planning Committee considered, but does not recommend adding the following sentence to Sec. 64.401(k): In all other districts, no sign may exceed a maximum illumination of 2.0 footcandles above ambient light level as measured fifty (50) feet from the sign's face or the closest dwelling unit, whichever is farther.

Regulation of interior window signs – options for language not recommended.

The Neighborhood Planning Committee also considered, but does not recommend, extending sign regulations only to interior window signs with dynamic display, including the following amendments:

**Sec. 64.203. Permits.**

A permit shall be required for all exterior signs visible from a public right-of-way, and for all interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

- (a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain . . .

**Sec. 64.204. Exemptions.**

- (b) The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with provisions of this chapter or any other law or ordinance regulating the same.

- (1a) The changing of the message on the display surface of signs that are designed to have changeable copy.
- (2b) Signs six (6) square feet or less in size area, except signs with dynamic display.
- (3) Signs with dynamic display two (2) square feet or less in area with only text providing only open/closed information.
- (4e) Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.
- (5d) Political signs.
- (6e) Sports facility sponsorship signs.

**Sec. 64.401. All signs.**

No person shall place, erect or maintain a sign, nor shall a lessee or owner permit property under his control to be used for such a sign, which does not conform to the following requirements and without first obtaining the requisite permit for such sign. The following provisions shall apply in all zoning districts, and to all exterior signs visible to the general public from a public right-of-way, and to all interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

**Sec. 64.405. Signs with dynamic display.**

The following provisions shall apply to exterior signs with dynamic display visible from a public right-of-way, and to interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

- (a) *Location and orientation.* Business signs with dynamic display shall . . .

**Sec. 64.503. TN1-TN3 traditional neighborhood and OS-BC business districts.**

- (a) *Business and identification signs.*

- (6) Dynamic displays shall be monochromatic, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 p.m. and 7:00 a.m. or after business hours, whichever is later. Interior window signs two (2) square feet or less in area with only text providing only open/closed information may have more than one color.

**Sec. 64.504. B2-B3 business and IR industrial districts.**

(a) *Business and identification signs.*

- (5) In the B2 district, dynamic displays shall be monochromatic if located within one hundred (100) feet of a residential use, measured from the sign to the nearest residential property line, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 p.m. and 7:00 a.m. or after business hours, whichever is later; except that interior window signs two (2) square feet or less in area with only text providing only open/closed information may have more than one color.

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

WHEREAS, the City Council requested that the Planning Commission study zoning standards and regulations pertaining to measurement of double-faced and V-shaped sign area, permitted sign illumination level, regulation of window signs, number and size of exterior banners, and permitted exemptions for signs of city, county, state, and federal governments that provide public information; and

WHEREAS, the Planning Commission held a public hearing on the study and draft regulations pertaining to these sign regulation issues on April 23, 2010; and

WHEREAS, the current provision in Chapter 64, Signs, of the Zoning Code pertaining to measurement of double-faced and V-shaped sign area is in accord with what most communities do; and

WHEREAS, the current standard for maximum permitted light trespass (for all types of lighting, including signs) is 3.0 footcandles measured at the residence district boundary; and

WHEREAS, A 0.5 footcandle above ambient light level standard for illumination of signs in residential districts is commonly used in other cities; and

WHEREAS, the cost of administering and enforcing a standard that would make a large number of existing business signs nonconforming, including tracking legal nonconforming status, needs to be weighed against the benefit of a new standard; and

WHEREAS, Chapter 64, Signs, does not currently regulate signs inside of buildings; and

WHEREAS, new regulation of interior window signs would create added costs for businesses, particularly small neighborhood businesses that use window signs as an inexpensive way to attract customers, and would be difficult and costly to administer and enforce relative to the benefit; and

WHEREAS, adding provisions for window signs to the downtown area special district sign plan like those in the Grand Avenue special district sign plan may be a more appropriate way to address concerns about downtown window signs than creating new city-wide window sign regulations; and

WHEREAS, the definition of "*sign with dynamic display*" should be amended to make it clear that simply being able to turn an electric sign on and off does not make it a sign with dynamic display; and

WHEREAS, amending regulations pertaining to banner signs would have implications for other temporary signage, and the Zoning Code would benefit from a study that would consider amendments regarding banner signs within the context of all temporary signs; and

WHEREAS, Sec. 64.204, Exemptions, should be amended to make it clear that signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information are exempt from permits and other requirements of Chapter 64;

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends that the City Council amend Chapter 64, Signs, of the Zoning Code as follows:

**Sec. 64.121. S.**

*Sign with dynamic display.* Any sign capable of displaying words, symbols, figures or images that can be electronically or mechanically moved or changed by remote, automatic, or electronic means, but not including being turned on and off. Signs providing only time and/or temperature information are not considered to be signs with dynamic display for regulatory purposes.

**Sec. 64.203. Permits.**

A permit shall be required for all exterior signs visible from a public right-of-way.

- (a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain . . .

**Sec. 64.204. Exemptions.**

- (a) Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be exempt from the requirements of this chapter.
- (b) The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.
- (1a) The changing of the message on the display surface of signs that are designed to have changeable copy.
- (2b) Signs six (6) square feet or less in size area.
- (3e) Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.
- (4d) Political signs.
- (5e) Sports facility sponsorship signs.

**Sec. 64.401. All signs.**

No person shall place, erect or maintain a sign, nor shall a lessee or owner permit property under his control to be used for such a sign, which does not conform to the following requirements and without first obtaining the requisite permit for such sign. The following provisions shall apply in all zoning districts, and to all exterior signs visible to the general public from a public right-of-way.

- (a) No sign or sign structure shall . . .
- (k) Illumination. ~~Illuminated signs are permitted, except that f~~Flashing signs are prohibited. In residential districts, no sign may exceed a maximum illumination of 0.5 footcandle above ambient light level as measured fifty (50) feet from the sign's face.
- ~~(l) Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be permitted in all zoning districts.~~
- ~~(lm)~~ Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.
- ~~(mn)~~ Canopy signs that are parallel to the street shall be regulated as . . .
- ~~(ne)~~ If a building will contain multiple uses, a comprehensive sign program shall . . .
- ~~(op)~~ Signs attached to buildings shall be positioned so . . .

BE IT ALSO RESOLVED, that the Saint Paul Planning Commission informs the City Council that the following options for possible amendments were considered by the Neighborhood Planning Committee but not recommended:

Illumination – option for language not recommended.

The Neighborhood Planning Committee considered, but does not recommend adding the following sentence to Sec. 64.401(k): In all other districts, no sign may exceed a maximum illumination of 2.0 footcandles above ambient light level as measured fifty (50) feet from the sign's face or the closest dwelling unit, whichever is farther.

Regulation of interior window signs – options for language not recommended.

The Neighborhood Planning Committee also considered, but does not recommend, extending sign regulations only to interior window signs with dynamic display, including the following amendments:

**Sec. 64.203. Permits.**

A permit shall be required for all exterior signs visible from a public right-of-way, and for all interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

- (a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain . . .

**Sec. 64.204. Exemptions.**

- (b) The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with provisions of this chapter or any other law or ordinance regulating the same.

- (1a) The changing of the message on the display surface of signs that are designed to have changeable copy.
- (2b) Signs six (6) square feet or less in size area, except signs with dynamic display.
- (3) Signs with dynamic display two (2) square feet or less in area with only text providing only open/closed information.
- (4e) Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.
- (5d) Political signs.
- (6e) Sports facility sponsorship signs.

**Sec. 64.401. All signs.**

No person shall place, erect or maintain a sign, nor shall a lessee or owner permit property under his control to be used for such a sign, which does not conform to the following requirements and without first obtaining the requisite permit for such sign. The following provisions shall apply in all zoning districts, and to all exterior signs visible to the general public from a public right-of-way, and to all interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

**Sec. 64.405. Signs with dynamic display.**

The following provisions shall apply to exterior signs with dynamic display visible from a public right-of-way, and to interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

- (a) *Location and orientation.* Business signs with dynamic display shall . . .

**Sec. 64.503. TN1-TN3 traditional neighborhood and OS-BC business districts.**



(a) *Business and identification signs.*

- (6) Dynamic displays shall be monochromatic, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 p.m. and 7:00 a.m. or after business hours, whichever is later. Interior window signs two (2) square feet or less in area with only text providing only open/closed information may have more than one color.

**Sec. 64.504. B2-B3 business and IR industrial districts.**

(a) *Business and identification signs.*

- (5) In the B2 district, dynamic displays shall be monochromatic if located within one hundred (100) feet of a residential use, measured from the sign to the nearest residential property line, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 p.m. and 7:00 a.m. or after business hours, whichever is later; except that interior window signs two (2) square feet or less in area with only text providing only open/closed information may have more than one color.